

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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Crl.P.MP Nos.3853 and 3854 of 2015

in Crl.P. No.3587 of 2015

and

Crl.P.MP Nos.3855 and 3856 of 2015

in Crl.P. No.3588 of 2015

and

Crl.P. Nos.3587 and 3588 of 2015

Common Order:

Both these Criminal Petitions are filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting to quash the proceedings in Calendar Case No.159 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, and in Crime No. 264 of 2014 of Humayun Nagar Police Station, Hyderabad, respectively, by the petitioners 1 to 4, who are arraigned as A-1 to A-4, in the former petition, and petitioners 1 to 3, who are arraigned as A-1 to A-3, in the latter petition. Thus, the fourth petitioner in former petition namely Smt. Sai Priya is not an accused and hence not a petitioner in the latter petition. The offences alleged against the petitioners in the former petition are punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, whereas, in the latter petition the offences alleged against the petitioners are punishable under Sections 406 read with 34 IPC.

2. Both the crimes were registered being referred under Section 156(3) Cr.P.C, on the complaint of the second respondent, Smt. J. Hima Bindu in both the petitions.

3. The first petitioner is the husband, petitioners 2 and 3 are the parents-in-law and the fourth petitioner is the sister-in-law of the second respondent – complainant in the former petition.

4. Learned counsel for the petitioners and the second respondent respectively, submitted that the parties have entered into compromise and reduced the terms into writing by way of entering into a memorandum of compromise and filed Crl.M.P.Nos.3854 and 3855 of 2015 in both the petitions respectively, under Section 320 of the Code, seeking to record compromise, besides filing Crl.MP.Nos.3853 and 3856 of 2015 in both the petitions respectively, seeking permission to file the above mentioned compromise petitions. It is also submitted by the learned counsel for both sides that the divorce OP pending before the Family Court, City Civil Courts, Hyderabad, is also settled and an amount of Rs.50,000/- by way of cash was already given to the *de facto* complainant and the amount of Rs.5,00,000/- would be given by way of demand draft at the time of compromise being recorded before the Family Court, where the divorce OP is pending.

5. Both the parties are present. They affirmed entering into compromise as per the terms incorporated in the memorandum of compromise, dated 06.04.2015. The second respondent who is the complainant also admitted receiving the amount of Rs.50,000/- by way of cash already and agreeing to receive demand draft for Rs.5,00,000/- before the Judge, Family Court, City Civil Courts, Hyderabad.

6. A perusal of the memorandum of understanding also shows that the items mentioned in Clause 4(d) are to be returned to the second respondent by the petitioners before the Judge, Family Court, City Civil Court, Hyderabad. She admits receiving the gold items.

7. The offences punishable under Sections 3 and 4 of the Dowry Prohibition Act are non-compoundable, however, the offence punishable under Section 498-A IPC is compoundable, but, three months period is provided to record compromise from the date of making a request to record compromise. Applying the principles laid down by the Hon'ble Apex Court in **Gian Singh v. State of Punjab**, and in **Manohar Singh v. State of Madhya Pradesh**, wherein the Hon'ble Apex Court, while observing that if there is a genuine compromise between husband and wife, criminal complaints arising out of the matrimonial discord can be quashed, even if the offences alleged

therein are non-compoundable, since such offences are personal in nature and do not have repercussions on the society, unlike heinous offences like murder, rape etc., held that the inherent power of the High Court under Section 482 of the Code is not inhibited by Section 320 of the Code. Hence, even the minimum period of three months provided in Section 320 of the Code would not come in the way of recording compromise between the parties.

8. Therefore, permission is granted to record compromise by allowing CrIPMP Nos.3853 and 3856 of 2015 respectively, and compromise is recorded by ordering CrIPMP Nos.3854 and 3855 of 2015 respectively, as per the memorandum of compromise entered into between the parties in both the Criminal Petitions. Consequently, both the Criminal Petition Nos.3587 and 3588 of 2015 are allowed quashing the proceedings in Calendar Case No.159 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, City Criminal Courts, Hyderabad, which is the subject matter of former Criminal Petition, and the FIR in Crime No.264 of 2014 of Humayun Nagar Police Station, Hyderabad, which is the subject matter of latter Criminal Petition, in the light of the memorandums of compromise filed by the parties.

9. As a sequel thereto, the miscellaneous applications, if any, pending in these Criminal Petitions shall stand closed.

A. SHANKAR NARAYANA, J

Date: 28.04.2015

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