

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRL.P.M.P.No.10408 OF 2015

&

CRIMINAL PETITION No.8894 OF 2013

ORDER:

The above Criminal Petition is filed by the petitioners-accused under Section 482 Cr.P.C., seeking to quash the proceedings against her in CC No.370 of 2012 on the file of Judicial Magistrate of First Class, Anaparthi, arising out of FIR No.147 of 2012 of Anaparthi Police Station, East Godavari District, registered for the offences punishable under Sections 498-A read with 34 IPC and 3 & 4 of the Dowry Prohibition Act.

The petition against the petitioners 1 and 2-A2 and A3 was dismissed as withdrawn vide order, dated 23.08.2013 and the 3rd petitioner – A4 is only contesting the matter.

When the matter is taken up, the 3rd petitioner – A4 and the 2nd respondent-complainant, who appeared before this Court, submitted through their respective Counsel that they have entered into a compromise out of Court and therefore, the proceedings against the 3rd petitioner in the above CC may be quashed. The copies of the identity cards of the parties are also filed. They also filed the above Crl.M.P., seeking to compound the offences and record the compromise. The 2nd respondent-complainant has also filed an affidavit before this Court and both the parties filed a joint memo.

It is stated in the affidavit filed by the 2nd respondent that the matrimonial disputes between herself and her husband (A1) and also the other family members of A1, were settled at the intervention of the elders and as such, she has no objection to quash the proceedings against the 3rd petitioner.

Having regard to the fact that now the matrimonial dispute

between the 2nd respondent and her husband and his family members has been settled amicably, no useful purpose would be served in continuing the prosecution launched against the petitioner for the offences punishable under Sections 498-A IPC and Section 3 & 4 of the D.P. Act. This court is convinced that the continuance of the prosecution would cause hardship to the parties.

Though the offence alleged under the Dowry Prohibition Act is non-compoundable in nature, in view of the judgment of the Apex Court in **Gian Singh Vs. State of Panjab**^[1], wherein it was held that where the dispute is predominantly civil in nature or in relation to matrimonial dispute, and if it is reported that the parties have amicably settled their dispute, the prosecution though launched for non-compoundable offence, the High Court in exercise of its powers under Section 482 Cr.P.C. can quash such prosecution.

Considering the above circumstances, this Court is of the view that it is fit case to quash the proceedings against the 3rd petitioner. Hence, the compromise is recorded and the above CrI.M.P., is ordered.

Accordingly, the Criminal Petition is allowed quashing the proceedings against the 3rd petitioner – A4 in the CC No.370 of 2012 on the file of Judicial Magistrate of First Class, Anaparthi, arising out of FIR No.147 of 2012 of Anaparthi Police Station, East Godavari District. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date:06.10.2015
KTL

^[1] [2012 AIR SCW 5333]