

**HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

**CRL. PETITION MISC. PETITION No.4062 OF
2015**
IN
CRIMINAL PETITION No.3026 OF 2015
AND
CRIMINAL PETITION No. 3026 OF 2015

COMMON ORDER:

The instant Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') by the petitioners – accused Nos.1 to 3, requesting to quash the proceedings in F.I.R. No.37 of 2014, dated 20-02-2014 of Women Police Station, Begumpet, Secunderabad, registered for the offences punishable under Section 498-A of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. The petitioners herein are arraigned as Accused Nos.1 to 3, and the 2nd respondent is the *de facto* complainant. The *de facto* complainant lodged a report with the police alleging certain acts that alleged to have constituted cruelty said to have meted out to her.

3. The petitioners and the 2nd respondent are present and so also their respective counsel.

4. Both the parties filed Crl.P.M.P. No.4062 of 2015 under Section 320 of the Code, requesting the Court to permit them to enter into compromise, record the same and to quash the FIR. Petitioner No.1 filed affidavit on his behalf and on behalf of

petitioner Nos.2 and 3 and the 2nd respondent also filed affidavit referring to the memorandum of understanding arrived at and a joint memo is filed by both the parties requesting the Court to record the compromise. Both the parties affirmed the contents mentioned in the joint memo and the memorandum of understanding, copy of which is filed, along with material papers. It is mentioned in Clause No.3 of the memorandum of understanding executed by both the parties that they initially decided to get the divorce by mutual consent and that the petitioner No.1 herein, who is the husband of the 2nd respondent shall pay Rs.30,00,000/-(Rupees thirty lakhs) towards permanent alimony in two instalments of Rs.15,00,000/-(Rupees fifteen lakhs) each. The 2nd respondent states that she has already received the first instalment amount.

5. The offence punishable under Section 498A IPC is made compoundable by inserting the same in Section 320 of the Code, which reads thus:

“The women subjected to cruelty: Provided that a minimum period of three months shall elapse from the date of request or application for compromise before a Court and the Court can accept a request for compounding an offence under Section 498A of the Indian Penal Code, 1860, provided none of the parties withdraw the case in the intervening period.”

The offences punishable under Sections 4 and 6 of the Dowry Prohibition Act, 1961 are non-compoundable. However, in view, the decisions of the Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another**^[1] and in **Manohar Singh v. State**

of Madhya Pradesh and another^[2], if there is a genuine compromise between husband and wife, criminal complaints arising out of 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, and that the inherent power of the High Court under Section 482 of the Code is not inhibited by Section 320 of the Code. Hence, the minimum period of three months provided in Section 320 of the Code would not come in the way in recording the compromise between the parties. Permission is, therefore, accorded ordering Crl.P.M.P. No.4062 of 2015 and, consequently, Crl.P. No.3026 of 2015 is allowed quashing the proceedings in F.I.R. No.37 of 2014, dated 20-02-2014 of Women Police Station, Begumpet, Secunderabad in view of joint memo filed by the parties.

6. As a sequel thereto, miscellaneous petitions, if any, pending in this Criminal Petition, stand disposed of.

A. SHANKAR NARAYANA, J

April 30, 2015.

Mgr

^[1] (2012) 10 SCC 303

^[2] 2014 Law Suit (SC) 564