

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

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CRL. PETITION MISC. PETITION No.4316 OF 2015

IN

CRIMINAL PETITION No.4019 OF 2015

AND

CRIMINAL PETITION No. 4019 OF 2015

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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 5, requesting to quash the proceedings in F.I.R. No.76 of 2014, dated 05-06-2014 of Women Police Station, Cyberabad, Hyderabad.

2. The petitioners herein are arraigned as Accused Nos.1 to 5 by the 2nd respondent – *de facto* complainant alleging the offences punishable under Sections 498A and 506 of the Indian Penal Code, 1860 (for short, 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. Learned counsel for the petitioners submits that the parties have entered into compromise and reduced the terms into writing by way of compromise petition and filed criminal petition, which is registered as Criminal Petition Miscellaneous Petition No.4316 of 2015 along with joint memo, seeking permission of the Court to record the compromise and quash the FIR.

4. Both parties are present. They affirmed entering into compromise and filing joint memo.

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 3 and 4 of the Dowry Prohibition Act, 1961 are non-compoundable. However, in view, the decisions of the Hon'ble Supreme Court Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** and in **Manohar Singh v. State of Madhya Pradesh and another**, that 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, 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 accorded ordering CrI.P.M.P. No.4316 of 2015 and, consequently, CrI.P. No.4019 of 2015 is allowed quashing the proceedings in F.I.R. No.76 of 2014, dated 05-06-2014 of Women Police Station, Cyberabad, Hyderabad in the light 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 24, 2015.

Mgr

