

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.MP.No.17890 OF 2016

AND

CrI.P.No.15801 OF 2016

ORDER:

The main Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to quash the proceedings in Crime No.54 of 2013 of Women Police Station, Nellore District, registered for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

2. CrI.P.MP.(Sr).No.49588 of 2016 is filed under Section 320 Cr.P.C. seeking permission to compound the offences, as there is compromise between the parties due to intervention of elders, and quash the proceedings in the aforesaid crime.

3. Both the parties are present in person and they are identified by their respective counsel.

4. The offences under Section 498-A I.P.C. and Sections 3 and 4 of Dowry Prohibition Act are non-compoundable offences, but in **Gian Singh v. State of Punjab and another**¹, the Full Bench of the Honourable Supreme Court laid down certain guidelines for recording compromise, wherein it was held that the power of the High Court in quashing a criminal proceeding or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal Court for compounding the offences.

¹ (2012) 10 SCC 303

It further held that the exercise of power to quash the criminal proceedings or complaint or FIR, where the parties have settled their dispute, would depend on the facts and circumstances of each case. Before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime. It further held that heinous and serious offences of mental depravity or offences like murder, rape, dacoity etc., could not be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between victim and offender in relation to offences under special statutes like Prevention of Corruption Act or offences committed by public servants while working in that capacity etc., could not provide for any basis for quashing criminal proceedings involving such offences.

5. By applying the principle laid down in the aforesaid judgment to the facts of the present case, as both the respondent - wife and petitioner - husband want to settle in their life, which is in the interest of both of them, I find that it is a fit case to permit them to compound the offences.

6. Accordingly, Crl.P.MP.(Sr).No.49588 of 2016 is allowed. In view of the order passed in Crl.P.MP.(Sr).No.49588 of 2016, the proceedings in Crime No.54 of 2013 of Woman Police Station,

Nellore District, are quashed. Accordingly, Crl.P.(Sr).No.49585 of 2016 is allowed.

Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

October 25, 2016.
MD

