

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.MP.No.18596 OF 2016

AND

CrI.P.No.16467 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 C.C.No.556 of 2014 on the file of Judicial Magistrate of First Class, Jadcherla, Mahabubnagar District, registered for the offence punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. CrI.P.MP.No.18596 of 2016 is filed under Section 320 read with 482 Cr.P.C. to permit the petitioners to compound the offences in the aforesaid C.C., in view of the compromise entered into between the petitioners and respondent No.1.

3. Both the parties are present in person and they are identified by their respective counsel. In the affidavit filed in support of the petition, it is stated that both parties intend to live separately by obtaining divorce, on payment of Rs.7,00,000/- by petitioner No.1 to respondent No.1, accordingly a Demand Draft bearing No.770450, dated 19.11.2016, drawn on Syndicate Bank, New Nallakunta Branch, Hyderabad, is handed over to 1st respondent. The compromise is in the interest of both parties and as they intend to settle in their lives obtaining divorce, which will have

no impact on society, hence, they are permitted to compound offences.

4. The offence under Section 498A I.P.C. and Sections 3 and 4 of the 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. 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

¹ (2012) 10 SCC 303

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, since the petitioners and respondent No.1 have compromised the matter at the intervention of elders and well wishers, I find that it is a fit case to permit them to compound the offences.

6. Accordingly, Crl.P.MP.No.18596 of 2016 is allowed. Consequently, Crl.P.No.16467 of 2016 is allowed quashing the proceedings in C.C.No.556 of 2014 on the file of Judicial Magistrate of First Class, Jadcherla, Mahabubnagar District.

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

M. SATYANARAYANA MURTHY, J

DECEMBER 06, 2016.
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THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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AND

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Dated: 06.12.2016

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