

HON'BLE SRI JUSTICE M.S.K. JAISWAL

Crl.P.M.P.Nos.9543 and 9544 of 2016

and

Criminal Petition No.6485 of 2016

Order:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.328 of 2015 on the file of the XIV Metropolitan Magistrate, at L.B. Nagar, Cyberabad registered for the offences punishable under Sections 498(A) and 417 IPC, and Sections 3 and 4 of Dowry Prohibition Act.

2. The averments in the charge sheet would disclose that the marriage between the 2nd respondent-*de facto* complainant and the petitioner-accused No.1 was solemnized on 16-4-2010 and at the time of marriage, her parents gave dowry of Rs.3 lakhs cash, gold and other household articles and after the marriage, she joined the petitioner but he is addicted to bad vices and demanded to bring additional dowry and harassed her physically and mentally. Out of the wedlock, she was blessed with a male child on 31-01-2011 and inspite of the same, her husband, in-laws and brother-in-law harassed to bring additional dowry otherwise, they would perform another marriage to the petitioner and on 25-6-2015, the petitioner informed her that he married another woman. After completing investigation, the police filed charge-sheet against the petitioner alone and deleted the names of the parents and brother of the petitioner.

3. Today, when the matter came up for hearing,

respondent No.2-*de facto* complainant and the petitioner-accused No.1 are present and are identified by their respective counsel. The *de facto* complainant filed petitions seeking to compound the offences alleged against the petitioner and to quash the proceedings against him. It is submitted by both parties that at the intervention of the elders, the parties have amicably settled their disputes concerning the present case and hence compromise may be recorded and criminal proceedings in the above case may be quashed.

4. In **Yogendra Yadav v. State of Jharkhand** ^[11]

the Supreme Court, in the matter of compromise of a non-compoundable offence, held as under:

“The question before this Court is whether this Court can compound the offences under Sections 326 and 307 of the IPC, which are non-compoundable. Needless to say that offences which are non-compoundable cannot be compounded by the court. Courts draw the power of compounding offences from Section 320 of the Code. The said provision has to be strictly followed [**Gian Singh v. State of Punjab** (2012) 10 SCC 303]. However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable. In which cases the High Court can exercise its discretion to quash the proceedings depending on facts and circumstances of each case. Offences, which involve moral turpitude, grave offences like rape, murder etc. cannot be effaced by quashing the proceedings because that will have harmful effect on the society. Such offences cannot be said to be restricted to two individuals or two groups. If such offences

are quashed, it may send wrong signal to the society. However, when the High Court is convinced that the offences are entirely personal in nature and, therefore, do not affect public peace or tranquility and where it feels that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice, it should not hesitate to quash them. In such cases, the prosecution becomes a lame prosecution. Pursuing such a lame prosecution would be waste of time and energy. That will also unsettle the compromise and obstruct restoration of peace.”

5. Having regard to the above submission and considering the fact that the parties have amicably settled the disputes among themselves out of Court and no useful purpose will be served even if the parties are driven to the trial as they compromised, and following the decision reported in **Gian Singh v. State of Punjab**^[2] the criminal miscellaneous petitions are allowed and compromise is recorded.

6. Accordingly, Crl.M.P.Nos.9543 and 9544 of 2016 and the criminal petition are allowed and the proceedings in C.C.No.328 of 2015 on the file of the XIV Metropolitan Magistrate, at L.B. Nagar, Cyberabad are quashed against the petitioner-accused No.1. The miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K. JAISWAL, J.

20th June, 2016.
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[\[1\]](#) 2015 (1) ALD (CrI.) 240 (SC)

[\[2\]](#) (2012) 10 SCC 303