

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Crl.P.M.P.No.4998 of 2016 and Crl.P.No.2250 of 2011

ORDER:

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The petitioners, who are accused Nos.1 to 3 filed this Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of all further proceedings in C.C.No.16 of 2011 on the file of the Judicial Magistrate of First Class, Mahabubabad. A charge sheet came to be filed against the petitioners for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Second respondent herein is the wife of accused No.1. Accused No.2 is the father-in-law and accused No.3 is the mother-in-law of the second respondent. The marriage of the second respondent with accused No.1 took place on 12.12.2010. At the time of marriage, cash of Rs.4.00 lakhs, gold worth Rs.2.00 lakhs and house site worth Rs.20.00 lakhs apart from other household articles were given as dowry. Both of them lived happily for about ten days and thereafter disputes arose between the second respondent and accused which led to filing of the above case against accused Nos.1 to 3.

By an order dated 16.03.2011, this Court while admitting the petition granted interim stay of all further proceedings. While things stood thus, the parties entered into compromise, pursuant to which the second respondent and accused No.1 started living together since last two years. Hence, the second respondent filed Crl.P.M.P.No.4998 of 2016 seeking permission of the Court to compound the offence. The affidavit of the second

respondent filed along with the petition would disclose that at the instance of elders and well-wishers, they have settled the matter out of court and she has no objection for quashing the proceedings against the petitioners.

Today the second respondent and petitioner Nos.1 to 3 are present before the Court and they are identified by their respective counsel. When examined, the second respondent stated that she has settled the dispute with the petitioners and is living happily with accused Nos.1 to 3 since last two years and is not interested in pursuing the matter. She further states that she has no objection for quashing the proceedings against the petitioners.

In **Gian Singh v. State of Punjab and another**^[1], the Apex Court held that the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot 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 the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.

The material on record would disclose that the dispute is fall out of a marital discord between the second respondent and accused No.1 and who are now living together happily. Taking into consideration the Judgment of the Apex Court referred to above and the fact of settlement arrived at between the parties, this Court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution. No useful purpose would be served in allowing the proceedings to go on.

In view of the compromise arrived at between the parties and taking into consideration the nature of offence with which the petitioners are charged, I am of the opinion that continuation of proceedings against the petitioners would be an abuse of process of law.

Accordingly, CrI.P.M.P.No.4998 of 2016 filed for compounding the offences is ordered. Consequently, the Criminal Petition filed seeking quashing of all further proceedings in C.C.No.16 of 2011 on the file of the Judicial Magistrate of First Class, Mahabubabad, is allowed.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

30.03.2016

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[\[1\]](#) (2012) 10 Supreme Court Cases 303