

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRL.R.C.M.P. Nos.127 AND 128 OF 2016
AND
CRIMINAL REVISION CASE No.93 OF 2016

ORDER:

The Criminal Revision Case is filed under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C) by the petitioners/A.1 to A.3 seeking to set aside the order, dated 04.08.2015, passed in Crl.M.P.No.124 of 2015 in C.A.No.114 of 2015 by the Court of VI Additional Sessions Judge, Kakinada, whereby the learned Sessions Judge dismissed the petition filed by the petitioners seeking permission to compound the matter.

Heard and perused the material available on record.

Admittedly the case is arising out of matrimonial disputes between the parties, whereby the petitioners faced the trial for the offence under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. The petitioners are convicted by the trial Court and thereafter the petitioners preferred an appeal against the order of conviction. During pendency of appeal, the *de facto* complainant along with the petitioners/A.1 to A.3 filed an application before the lower appellate Court seeking permission to compound the offence and the lower appellate Court dismissed the said application on the ground that the offences under the Dowry Prohibition Act are non-compoundable.

When the case is taken up for hearing, learned counsel for the petitioners as well as counsel for *de facto* complainant submit that they have filed Crl.R.C.M.P.Nos.127 and 128 of 2016 seeking permission of this Court to compound the offences and consequently, to quash the proceedings. The petitioners as well as the *de facto* complainant are present before this Court. The *de facto* complainant submits that she is not interested to prosecute the matter and that the divorce petition is also filed by mutual consent.

This Court is of the view that even for non-compoundable offences, the Courts are empowered to compound the offences in the interest of parties, more particularly when the case is arising out of matrimonial disputes. Hence, in view of the compromise entered into between the parties, the parties are directed to file fresh application before the lower appellate Court along with copy of this Order and on such filing, the lower appellate Court is directed to allow the

Appeal and acquit the petitioners/A.1 to A.3 from the charges levelled against them.

The Criminal Revision Case is accordingly disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

28.01.2016

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