

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

Crl.P.M.P.Nos.9912 & 9913 of 2016

and

Criminal Petition No.9123 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.19 of 2015 on the file of the XVI Additional Sessions Judge, Cyberabad, Malkajgiri, Ranga Reddy District, for the offences punishable under sections 498(A) and 506 I.P.C. and Sections 3 and 4 of Dowry Prohibition Act.

2. The averments in the charge sheet would disclose that on 01-07-2014 at 1030 hours, the de facto-complainant – petitioner No.2 herein gave complaint *inter alia* stating that her marriage with petitioner No.1 – accused No.1 was performed on 19-11-2010 and after one week of their marriage, petitioner Nos. 2 to 4 - accused Nos.2 to 4 started harassing her mentally and physically and demanded Rs.3.00 lacs and car. Petitioner Nos.1 to 5 - Accused Nos. 1 to 5 warned her not to speak with her parents or her friends. Accused Nos. 2 to 5 demanded her on 20-02-2011 to bring additional dowry of Rs.3.00 lacs within two days or put up a separate family and thereafter necked her out of the house after colluding with accused No.1. Thereafter, after parents of de facto-complainant gave Rs.50,000/-, de facto-complainant and accused No.1 lived separately in a rented house for 7 months. Thereafter, on 28-09-2011 accused No.1 left her demanding that she should bring an additional dowry of Rs.5.00 lacs for continuing marital life. Therefore, de facto-complainant requested for legal action into the incident.

3. Today, when the matter came up for hearing, the second respondent/de facto-complainant and the petitioners/accused are

present and are identified by their respective counsel. The petitioners/accused filed the Miscellaneous Petitions seeking to permit to compromise and to record the compromise. They also produced the xerox copies of their Identity Cards. 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 and others v. the State of Jharkhand***^[1] 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 and another*^[2] the criminal miscellaneous petitions are allowed and compromise is recorded.

6. Accordingly, the CrI.M.P.Nos.9912 and 9913 of 2016 and the Criminal Petition are allowed and the proceedings in C.C.No.19 of 2015 on the file of the XVI Additional Sessions Judge, Cyberabad, Malkajgiri, Ranga Reddy District, are quashed against the petitioners/accused. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M.S.K.JAISWAL, J.

11th July, 2016

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^[1] 2015 (1) ALD (CrI.) 240 (Supreme Court)

^[2] (2012) 10 SCC 303