

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.1 of 2018 in / and Crl.P.No.2841 of 2015
and
Crl.P.No.12421 of 2017

COMMON ORDER:

The *defacto* complainant and her counsel Sri Vempati Mallikarjun Shastry, are present. A1—Shashidhar Anand is absent and he is represented by his father-cum-GPA—Sri S.Anand S/o.Subbaiah. A.2 to A.4 and their counsel Sri Suresh Kumar Reddy Kalava, are present. Both the parties are identified by their respective counsel.

- 2) Heard both sides and perused the petitions.
- 3) The *defacto* complainant filed a complaint and the same was registered as Crime No.106 of 2015 of Woman Police Station, C.C.S, D.D, Hyderabad against the accused for the offences under Sections 498A, 406, 420 IPC and Sections 4 and 6 of Dowry Prohibition Act (for short “DP Act”).
- 4) At this stage, Criminal Petition No.2841/2015 is filed by the petitioners/A.2 to A.4 and Criminal Petition No.12421/2017 is filed by the petitioner/A.1 seeking to quash the proceedings against them in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad.
- 5) Pending the Criminal Petitions, both parties filed I.A.No.1 of 2018 in Crl.P.No.2841/2015 seeking permission of this Court to

compound the offences involved in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad. In the said I.A, it was mentioned that both parties have amicably settled all their disputes at the intervention of elders and they are proposing to compound the offences involved in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad and hence permission may be granted to them.

6) On enquiry by this Court, both the parties affirmed the contents in joint memo. The offences alleged in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad are under Sections 498A, 406, 420 IPC and Sections 4 & 6 of D.P Act. Sections 406 and 420 IPC are compoundable under Section 320 Cr.P.C. Section 498A IPC is also compoundable under Section 320(2) Cr.P.C i.e, with the permission of the Court vide Andhra Pradesh State Amendment Act 11 of 2003, Section 2 w.e.f. 01.08.2003. So far as Sections 4 and 6 of D.P.Act are concerned, they are non-compoundable under Section 320 Cr.P.C. However, in ***Manohar Singh vs. State of Madhya Pradesh and another***¹, the Apex Court while dealing with the question as to the compoundability of the offences under Section 498-A IPC and Section 4 of D.P.Act, after referring several decisions observed that though Section 498-A IPC and Section 4 of the D.P. Act were not compoundable, however, if there is a genuine compromise between husband and wife, criminal

¹ (2014) 13 SCC 75

complaints arising out of matrimonial discord can be quashed, even if the offences alleged therein are non-compoundable, because such offences are personal in nature and do not have any repercussions on the society unlike heinous offences like murder, rape, etc. If the High Court forms an opinion that it is necessary to quash the proceedings to prevent abuse of the process of any Court or to secure the ends of justice, the High Court can do so.

7) In the light of the exposition of the Hon'ble Apex Court, when the case on hand is vetted, Section 498-A IPC is compoundable under Section 320(2) Cr.P.C after lapse of a minimum period of three months from the date of request or application for compromise is made before a Court. In the instant case, the said period is not completed. However, in *Manohar Singh's* case (1 supra), the Apex Court held that exercising power under Section 482 of the Code is not inhibited by Section 320 of the Code. Therefore and in view of parties have genuinely settled all their disputes and no additional purpose will be served by keeping them awaited for three months, the said requirement is dispensed with. Similarly, exercising the plenary power under Section 482 of the Code, the offences under Sections 4 and 6 of the D.P.Act, though not compoundable, are permitted to be compounded. It shall be noted, the instant case is a matrimonial dispute and purely a private one and the same has no impact on the society. Further, from the submission of both the

parties, they have settled all their disputes and pending cases at the intervention of elders.

8) With the above observations, I.A.No.1 of 2018 is allowed and the parties are permitted to compound the offences involved in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad. Consequently, the Criminal Petition Nos.2841/2015 and 12421/2017 are allowed and the proceedings in FIR No.106/2015 in Women Police Station, CCS, D.D, Hyderabad, against the petitioners/A.1 to A.4 are quashed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 17.04.2018
scs

U.DURGA PRASAD RAO, J

