

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.3 of 2018 in Crl.P.No.3445 of 2018

and

Crl.P.No.3445 of 2018

COMMON ORDER:

The *defacto* complainant and her counsel Sri Sapthagiri Metta, are present. Accused Nos.1 to 7 and their counsel Sri C.S.N.Raju, are present. Both the parties are identified by their respective counsel.

2) Heard both sides and perused the petition.

3) The *defacto* complainant filed a complaint and the same was registered as Crime No.770/2013 of Kancharapalem PS, Airport Zone, Visakapatnam City and after investigation charge sheet was filed against A.1 to A.7 and case was registered as C.C.No.387/2014 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam City.

4) At this stage, A.1 to A.7 filed Crl.P.No.3445 of 2018 before this Court seeking to quash the proceedings against them in C.C.No.387 of 2014.

5) Pending the Criminal Petition, both parties filed I.A.No.3 of 2018 seeking permission of this court to compound the C.C.No.387 of 2014. In the said I.A, it was mentioned that both parties have amicably settled all their disputes at the intervention of elders and all the cases pending between them were already settled and *defacto* complainant

and A.1 obtained divorce by mutual consent in FCOP No.2050 of 2015 dated 27.01.2018 on the file of XV Additional District Judge-cum-II Additional Family judge, Ranga Reddy District, Kukatpally at Miyapur. They would submit that in view of settling all their disputes at the intervention of elders, they are proposing to compound the offences involved in C.C.No.387/2014 also 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 C.C.No.387/2014 are under Sections 498-A IPC and Sec.3 & 4 of D.P. Act. Section 498-A IPC is 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 3 and 4 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 observed that 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 complaints arising out of matrimonial discord can be quashed, even if the offences alleged therein are non-compoundable, because such offences are personal in

¹ (2014) 13 SCC 75

nature and do not have 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 3 and 4 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.3 of 2018 is allowed and the parties are permitted to compound the offences involved in C.C.No.387 of 2014 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam City. Consequently, the Criminal Petition No.3445 of 2018 is allowed and the proceedings against A.1 to A.7 in the said C.C.No.387 of 2014 are quashed and accordingly, they are acquitted.

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

Date: 21.03.2018
scs

U.DURGA PRASAD RAO, J

