

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.1 of 2018 in Crl.P.No.5078 of 2018
and
Crl.P.No.5078 of 2018

COMMON ORDER:

The *defacto* complainant and her counsel Sri K.V.Verma are present. Petitioner/Accused and his counsel Sri P.Rana Praveer 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.98 of 2018 of Uppal PS, Rachakonda for the offence under Section 498A IPC.
- 4) At this stage, petitioner/Accused filed Crl.P.No.5078 of 2018 before this Court to quash the proceedings against him in Cr.No.98 of 2018.
- 5) When the matter is pending, both parties filed I.A.No.1 of 2018 seeking permission of this Court to compound the offence. In the said petition, it was mentioned that both parties have amicably settled all their disputes and the pending cases at the intervention of elders. They would submit that in view of settling all their disputes at the intervention of elders, they are proposing to compound the offence involved in Cr.No.98 of 2018 and hence permission may be granted to them.

6) On enquiry by this Court, both the parties affirmed the contents in joint memo. The offence alleged in Cr.No.98 of 2018 is under Section 498A IPC. Section 498A 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. 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 498A IPC and Section 4 of D.P.Act, after referring several decisions observed that though Section 498A 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 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 498A 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

¹ (2014) 13 SCC 75

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. 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. It is submitted that parties have already obtained Qula divorce. 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 offence involved in Cr.No.98 of 2018 of Uppal PS, Hyderabad. Consequently, the Criminal Petition No.5078 of 2018 is allowed and the proceedings in Cr.No.98 of 2018 are quashed against petitioner/accused and he is acquitted of the offence for which he has been charged.

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

U.DURGA PRASAD RAO, J

Date: 02.05.2018
Murthy