

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.2 of 2018 in Crl.P.No.8867 of 2017

and

Crl.P.No.8867 of 2017

COMMON ORDER:

The *defacto* complainant and her counsel Sri P.Suryanarayana Murthy, are present. A.1 who is representing A.2 and A.3 as their GPA was present in Court on 27.04.2018 and his presence today is dispensed with vide order dated 27.04.2018 and his counsel Sri Zakir Ali Danish is present.

- 2) Heard both sides and perused the petitions.
- 3) The *defacto* complainant filed a complaint and the same was registered as Crime No.154/2014 of WPS, Begumpet, North Zone, Secunderabad, Hyderabad City for the offences under Sections 498-A, 406 and 506 r/w 34 IPC and Sections 4 and 6 of Dowry Prohibition Act (for short "DP Act") and after investigation charge sheet was filed against A.1 to A.3 and case was registered as C.C.No.320 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad.
- 4) At this stage, petitioners/Accused filed Crl.P.No.8867 of 2017 before this Court to quash the proceedings against them in C.C.No.320 of 2015.
- 5) When the matter is pending, both parties filed I.A.No.2 of 2018 seeking permission of this Court to compound the offences. In the said petition, it was mentioned that both parties have amicably settled all

their disputes at the intervention of elders all the cases pending between them were already settled. 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.320 of 2015 also and hence permission may be granted to them.

6) The offences alleged in C.C.No.320 of 2015 are under Sections 498-A, 406 and 506 r/w 34 IPC and Sections 4 and 6 of DP Act. Sections 406 and 506 IPC are compoundable under Section 320 Cr.P.C. 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 4 and 6 of D.P.Act are concerned, they are non-compoundable. 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 Sec.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 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

¹ (2014) 13 SCC 75

that it is necessary to quash the proceedings to prevent abuse of 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.2 of 2018 is allowed and the parties are permitted to compound the offences involved in C.C.No.320 of 2015 on the file of XV Additional Chief Metropolitan

Magistrate, Hyderabad. Consequently, the Criminal Petition No.8867 of 2017 is allowed and the proceedings in C.C.No.320 of 2015 are quashed against petitioners/Accused Nos.1 to 3 and they are acquitted of the offences for which they have been charged.

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

U.DURGA PRASAD RAO, J

Date: 30.04.2018
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