

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.1 of 2018 in CrI.P.No.7096 of 2018

and

CrI.P.No.7096 of 2018

COMMON ORDER:

The *defacto* complainant and her counsel Sri J.Rajeswar are present. Accused Nos.1, 2 & 4 and their counsel Sri K. Ravinder Reddy are present. Accused No.3—mother of A1 is not present because of her ill-health and she has been represented by A1. 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. 835/2016 of Malakpet PS, Pratapnagar, Moosarambagh, Hyderabad and after investigation charge sheet was filed against A1 to A4 for the offences under Sections 498A, 506, 406 IPC and Sections 4 and 6 of DP Act (for short "DP Act") and the learned XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad took cognizance of the case and registered as C.C.No.105 of 2016.

4) While so, pending the Criminal Petition, both parties filed I.A.No.1 of 2018 seeking permission of this Court to compound the offences involved in C.C.No.105/2016, on the submission that both parties have amicably settled all their disputes at the intervention of elders and permission may be granted to them.

5) On enquiry by this Court, both the parties affirmed the contents in joint memo. They also submitted that they want to take divorce and

already filed divorce O.P.No.2686 of 2017 on the file of Family Court, Ranga Reddy and it is pending.

6) The offences alleged in C.C.No.105/2016 are under Sections 498A, 506, 406 IPC and Sections 4 & 6 of D.P. Act. Sections 506 and 406 IPC are compoundable under Section 320 Cr.P.C. Section 498-A IPC is compoundable but with the permission of the Court vide Andhra Pradesh State Amendment Act 11 of 2003, Section 2 w.e.f. 01.08.2003. Sections 4 & 6 of D.P.Act are a non-compoundable offence. 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 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 above 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

¹ (2014) 13 SCC 75

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 offence under Sections 4 & 6 of the D.P Act, though not compoundable, is 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 C.C.No.105/2016 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. Consequently, the Criminal Petition No.7096 of 2018 is allowed and the proceedings against the petitioners/A1 to A4 in the said C.C.No.105/2016 are quashed and accordingly they are acquitted.

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

U.DURGA PRASAD RAO, J

Date: 10.07.2018
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