

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.No.2 AND 3 OF 2018
AND/IN
CrI.P. No.9370 OF 2018

COMMON ORDER:

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in S.C.No.464 of 2017, pending on the file of VIII Additional Assistant Sessions Judge, Ranga Reddy District, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act.

I.A.No.2 of 2018 is filed to permit the petitioners to file compromise petition and I.A.No.3 of 2018 is filed to record compromise between the wife and husband and relatives of the husband as the offences allegedly committed by the petitioners are punishable under Section 498-A IPC and Section 3 and 4 of the Dowry Prohibition Act and compound the offences.

After investigation, the police filed charge sheet against the petitioners for the offences punishable under Sections 498-A and 307 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act.

Husband and wife are doctors and now they entered into compromise and decided to live together and lead marital life. Because of pendency of the Sessions Case, the husband and wife are put to inconvenience in appearing before the Court and even if the case is tried by the Sessions Court, the result will be acquittal as there is every possibility of witnesses turns to hostile. When wife and husband decided to live together, pending proceedings will affect their matrimonial life.

On perusal of record, crime was registered under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act, but based on such improvement, during investigation, the statements were recorded under Section 161(3) Cr.P.C. and that the Sub Inspector of Police filed charge

sheet for various offences including the offence punishable under Section 307 IPC.

Learned counsel for the petitioners contended that even if the offence is serious in nature against the accused, but in societal interest, the Court can record compromise and placed judgment of the Apex Court in **Yogendra Yadav and others v State of Jharkhand and another**¹.

Having consider the facts and circumstances of the case, more particularly the decision of the wife and husband i.e. they decided to live together and lead marital life being the highly educated doctors, the case pending against the husband and his relatives has to be quashed to enable them to live together and to lead marital life as wife and husband without any fear of conviction in the pending proceedings and to save matrimonial tie. By applying the principles laid down in the above judgment, I find that it is a fit case to quash the proceedings in recording compromise between the parties.

I.A.Nos.2 and 3 of 2018 and criminal petition are allowed quashing the Crime No.31 of 2017 of Saroomagar Police Station and in S.C.No.464 of 2017, pending on the file of VIII Additional Assistant Sessions Judge, Ranga Reddy District.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

05.09.2018
kvrn

¹ (2014) 9 SCC 653