

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**I.A.No.3 of 2018 in CrI.P.No.13839 of 2018**

**and**

**CrI.P.No.13839 of 2018**

**COMMON ORDER:**

The *defacto* complainant and her counsel Sri Khaled Bin Sayeed are present. Petitioners/Accused Nos.1 to 3 and their counsel Sri Mohd. Muzaferullah Khan are present. Both the parties are identified by their respective counsel.

- 2) Heard both sides and perused the petitions.
- 3) The *defacto* complainant lodged a report with the police of Raidurgam PS and the same was registered as Crime No.401 of 2016 and after investigation charge sheet was filed for the offences under Section 498A IPC and Sections 3 and 4 of Dowry Prohibition Act (for short "DP Act") before the XXIII Metropolitan Magistrate, Cyberabad and cognizance was taken by the said Court and case was registered as C.C.No.82 of 2017.
- 4) At that stage, both the parties filed I.A.No.3 of 2018 seeking permission of this Court to compound the offences involved in C.C.No.82 of 2017 on the file of XXIII Metropolitan Magistrate, on the submission that both parties have amicably settled all their disputes at the intervention of elders and hence permission may be granted to them.
- 5) The offences alleged in Crime No.401 of 2016 of Raidurgam Police Station, Cyberabad are under Section 498A IPC and Sections 3 and 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. Sofaras Sections

3 and 4 of D.P.Act are concerned, they are non-compoundable. However, in *Manohar Singh vs. State of Madhya Pradesh and another*<sup>1</sup>, 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 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 process of any Court or to secure the ends of justice, the High Court can do so.

6) In the light of above judgment 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 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

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<sup>1</sup> (2014) 13 SCC 75

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.

7) It is orally informed by the parties that they have filed FCOP No.1408 of 2018 before the Family Court, R.R.District for granting divorce on mutual consent and the same is pending.

7) With the above observations, I.A.No.3 of 2018 is allowed and the parties are permitted to compound the offences in C.C.No.82 of 2017. Consequently, the Criminal Petition No.13839 of 2018 is allowed and the proceedings in C.C.No.82 of 2017 on the file of XXIII Metropolitan Magistrate are quashed and petitioners/accused 1 to 3 are acquitted of the charges for which they have been charged.

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

**U.DURGA PRASAD RAO, J**

Date: 26.12.2018  
Murthy