

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.2 of 2018 in CrI.P.No.13933 of 2018

and

CrI.P.No.13933 of 2018

COMMON ORDER:

The *defacto* complainant and her counsel Sri Abdul Kader Quadri, are present. Accused No.1 and his counsel Sri Mohd. Vasi Ahmed are present. Both the parties are identified by their respective counsel. Accused No.2 is absent and she is represented by Accused No.1 who is her General Power of Attorney.

- 2) Heard both sides and perused the petitions.
- 3) The *defacto* complainant filed a complaint against A.1 and A.2 and the same was registered as Crime No.90/2016 on the file of Women PS, Warangal City and after investigation charge sheet was filed against A.1 and A.2 for the offences under Sections 498-A, 342 and 3 of IPC and case was registered as C.C.No.476 of 2016 on the file of I Addl. Judicial First Class Magistrate at Warangal.
- 4) At this stage, accused filed CrI.P.No.13933 of 2018 before this Court seeking to quash the proceedings against them in C.C.No.476 of 2016.
- 5) Pending the Criminal Petition, both parties filed I.A.No.2 of 2018 seeking permission of this Court to compound the offences alleged in the C.C.No.476 of 2016. In the said I.A, it was mentioned that both parties have amicably settled all their disputes at the intervention of elders and

they are proposing to compound the offences involved in C.C.No.476 of 2016 and hence permission may be granted to them.

6) On enquiry by this Court, both the parties affirmed the contents in joint memo. The offences alleged in C.C.No.476 of 2016 are under Sections 498-A and 342 of IPC. Section 342 IPC is compoundable under Section 320(1) Cr.P.C; Section 498-A IPC is also 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. In *Manohar Singh vs. State of Madhya Pradesh and another*¹, the Apex Court held that the offence under Section 498-A IPC is concerned, 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. It is further held that if the High Court forms an opinion that it is necessary to quash the proceedings to prevent abuse of the process of the Court, or to secure the ends of justice, the High Court can do so. Hence applying the above dictum, permission can be granted to compound the offence under Section 498-A IPC.

7) 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* (1 supra),

¹ (2014) 13 SCC 75

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. 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.476 of 2016 on the file of I Additional Judicial First Class Magistrate at Warangal. Consequently, Criminal Petition No.13933 of 2018 is allowed and the proceedings against the petitioners/A.1 and A.2 in the said C.C.No.476 of 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: 27.12.2018
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