

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.3 of 2017 in Crl.P.No.11724 of 2017

and

Crl.P.No.11724 of 2017

COMMON ORDER:

The *defacto* complainant and her counsel Mr.Mohammed Fayaz Ali, are present. A.1 is representing A.2, A.5 and A.6 as their GPA, A.3 and A.4 and their counsel Mr.Syed Ahmed Ali, are present. 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.37/2017 of Mogalpura PS, Hyderabad City for the offences under Sections 498-A, 420, 506, 509 r/w 34 IPC and Sections 4 and 6 of Dowry Prohibition Act (for short "DP Act").
- 4) Investigation is reported to be pending.
- 5) While-so pending Criminal Petition, both parties filed I.A.No.3 of 2017 seeking permission of this Court to compound the offences involved in Crime No.37/2017 of Mogalpura PS, Hyderabad City, 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.
- 6) The offences alleged in Crime No.37/2017 of Mogalpura PS, Hyderabad City, are under Sections 498-A, 420, 506, 509 r/w 34 IPC and Sections 4 and 6 of DP Act. Section 506 IPC is compoundable under Section 320 Cr.P.C. Sections 420 and 509 IPC are compoundable under

Section 320(2) Cr.P.C with the permission of the Court. Section 498-A IPC is also 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 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

¹ (2014) 13 SCC 75

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.3 of 2018 is allowed and the parties are permitted to compound the offences involved in Crime No.37/2017 of Mogalpura PS, Hyderabad City. Consequently, the Criminal Petition No.11724 of 2017 is allowed and the proceedings in Crime No.37/2017 of Mogalpura PS, Hyderabad City are quashed against the petitioners/accused.

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

U.DURGA PRASAD RAO, J

Date: 01.05.2018
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