

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

I.A.No.4 of 2018 in Crl.P.No.13948 of 2018

and

Crl.P.No.13948 of 2018

COMMON ORDER:

The *defacto* complainant and her counsel Sri A.Venkatesh are present. Petitioners/Accused Nos.1 to 3 and their counsel Smt. S.Vani 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 Miyapur PS and the same was registered as Crime No.116 of 2017 and after investigation charge sheet was filed for the offence under Section 498A IPC before the VIII Metropolitan Magistrate, Cyberabad at Kukatpally and cognizance was taken by the said Court and case was registered as C.C.No.154 of 2017.
- 4) Pending the Criminal Petition, both parties filed I.A.No.4 of 2018 seeking permission of this Court to compound the offence alleged in the C.C.No.154 of 2017. 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.154 of 2017 and hence permission may be granted to them.
- 5) On enquiry by this Court, both the parties affirmed the contents in joint memo. The offences alleged in C.C.No.154 of 2017 are under Sections 498-A IPC. 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. 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.

6) 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), 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.

¹ (2014) 13 SCC 75

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) With the above observations, I.A.No.4 of 2018 is allowed and the parties are permitted to compound the offence involved in C.C.No.154 of 2017 on the file of VIII Metropolitan Magistrate, Cyberabad, Kukatpally. Consequently, Criminal Petition No.13948 of 2018 is allowed and the proceedings against the petitioners/A1 to A3 in the said C.C.No.154 of 2017 are quashed and accordingly, they are acquitted.

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

Date: 28.12.2018
Murthy

U.DURGA PRASAD RAO, J