

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOS.3 AND 4 OF 2019 IN CRIMINAL PETITION NO.1884 OF
2019 AND CRIMINAL PETITION NO.1884 OF 2019

COMMON ORDER

CrI.P.No.1884 of 2019 was filed under Section 482 CrPC by the sole accused in Crime No.686 of 2013 on the file of the Kukatpally Housing Board Police Station, Cyberabad Commissionerate, which was registered under Section 498-A IPC read with Sections 3 and 4 of the Dowry Prohibition Act, 1961, to quash the proceedings therein. The said crime was registered on the strength of the complaint made by the first respondent-wife.

While so, it appears that the parties have settled their differences and resumed their marital life. In consequence, I.A.Nos.3 and 4 were filed in this criminal petition to permit the compromise and compounding of the offences so as to quash further proceedings in the crime.

Learned Assistant Public Prosecutor, State of Telangana, would inform this Court that after investigation, the police laid a charge-sheet in this case before the learned X Additional Metropolitan Magistrate, Cyberabad, Kukatpally, Ranga Reddy District. However, he concedes that the said case has not yet been numbered.

The first respondent-wife and the petitioner-husband are present in person and produced their Aadhaar cards in proof of their identity. The first respondent-wife also filed an affidavit in support of I.A.No.4 of 2019, wherein she stated that her husband and she have resolved their disputes and were living together.

Though an offence under Section 498A IPC is compoundable in the State of Telangana owing to the State amendment of Section 320 CrPC, *vide* A.P. Act No.11 of 2003 with effect from 01.08.2003, offences under

the special enactment, viz., the Dowry Prohibition Act of 1961, would not be compoundable under Section 320 CrPC.

However, in the light of the law laid down by the Supreme Court in *GIAN SINGH V/ s. STATE OF PUNJAB*¹, the situation would be different when it comes to exercise of inherent powers by this Court under Section 482 CrPC. The observations of the Supreme Court, in this regard, read as under:

'61. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the

¹ (2012) 10 SCC 303 : (2013) 1 SCC (Cri) 160

offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.'

In the light of the aforestated legal position, this Court sees no purpose served in wasting the State's resources in prosecuting Crime No.686 of 2013.

In that view of the matter, I.A.Nos.3 and 4 of 2019 are ordered. In consequence, CrI.P.No.1884 of 2019 is allowed quashing the proceedings in Crime No.686 of 2013 on the file of the Kukatpally Housing Board Police Station, Cyberabad Commissionerate. I.A.No.2 of 2019 shall stand closed.

SANJAY KUMAR, J

25th APRIL, 2019

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