

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

I.A.NOs.1 AND 2 OF 2019 IN
CRIMINAL PETITION No.2152 of 2019
AND
CRIMINAL PETITION No.2152 of 2019

COMMON ORDER:

Criminal Petition No.2152 of 2019 was filed by A.1 to A.5 in C.C.No.50 of 2018 on the file of the learned XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. This case arose out of Crime No.180 of 2017 on the file of the Women Police Station, Begumpet, Hyderabad, registered under Sections 498-A and 506 IPC read with Sections 4 and 6 of the Dowry Prohibition Act, 1961, on the basis of the complaint made by the second respondent-wife.

While so, it appears that the second respondent-wife and the first petitioner-husband settled their differences and resumed marital life. Owing to this development, I.A.Nos.1 and 2 of 2019 were filed in this case to permit/record the compromise arrived at by and between the parties and to quash the proceedings.

The second respondent-wife is present in person and produced her Aadhaar Card in proof of her identity. The first petitioner-husband is also present in person and produced his Aadhaar Card in proof of his identity. The other accused, being the family members of the first petitioner-husband, are also present in person and produced their Aadhaar Cards in proof of their identity.

The second respondent-wife stated in open Court that, as set out in the petition, she and the first petitioner-husband have started living together and that there are no issues or disputes between them as on date.

The offence under Section 498-A IPC was made compoundable by way of a State amendment of Section 320 CrPC under A.P. Act No.11 of 2003 with effect from 01.08.2003. Similarly, the offence under Section 506 IPC is also compoundable under Section 320 CrPC.

Though the offences under the special enactment, *viz.*, the Dowry Prohibition Act, 1961, would not be amenable to compounding under Section 320 CrPC, the observations of the Supreme Court in *GLAN SINGH V/ s. STATE OF PUNJAB*¹ would alter the position as regards exercise of inherent power by this Court under Section 482 CrPC. These observations 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

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

footing for the purposes of quashing, particularly the 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 settled legal position, this Court sees no purpose served in wasting the State's resources in continuing to prosecute C.C.No.50 of 2018 before the learned XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, as the parties have settled their disputes and resumed marital life.

I.A.Nos.1 and 2 of 2019 are accordingly allowed and in consequence, CrI.P.No.2152 of 2019 is also allowed quashing the proceedings in C.C.No.50 of 2018 on the file of the learned XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

JUSTICE SANJAY KUMAR

Date:24.04.2019

PGSs