

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

I.A.Nos.3 & 4 of 2023

In/and

CrI.P.No.1543 of 2023

COMMON ORDER:

The Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, ('the Cr.P.C') is filed seeking to quash the proceedings as against the petitioners in Crime No.402 of 2022 on the file of Pattabhipuram Police Station, Guntur District, registered for the offences punishable under Sections 354D and 506 read with 34 IPC.

2. I.A.No.4 of 2023 is filed under Section 320(6) Cr.P.C to permit the *de facto*-complainant and the accused No.3 to compromise the matter in Crime No.402 of 2022 on the file of Pattabhipuram Police Station, Guntur District, registered for the offences punishable under Sections 354D and 506 read with 34 IPC. I.A.No.3 of 2023 is filed under Section 320(2) Cr.P.C to permit the *de facto*-complainant and the accused No.3 to compromise the matter in Crime No.402 of 2022 on the file of Pattabhipuram Police Station, Guntur District as both parties have compromised the matter.

3. The marriage of the *de facto* complainant was performed with accused No.3 in the year 2017. They are residing in Flat No.512, Block-B, R.L. City, situated at Nizampet Road, Hyderabad. After

two months of the marriage, the petitioners harassed the *de facto* complainant physically and mentally for want of additional dowry and necked her out from the matrimonial house. The *de facto* complainant also filed FCOP No.517 of 2017 for grant of maintenance. On 19.10.2022, while the *de facto* complainant along with her brother started from their house and reached Denkan Solutions, Chandramouli Nagar, the accused/A1 and A2, at the instance of A3, followed them and video-graphed their movements. On the basis of the complaint given by the *de facto* complainant, a case in Crime No.402 of 2022 for the offences under Sections 354-D and 506 r/w 34 IPC has been registered against the petitioners.

4. When the matter was taken up, the petitioner/accused and the 2nd respondent/*de facto*-complainant are present before this Court. They produced copies of their respective identity proofs. They are also identified by their respective counsels. When examined, they stated that they amicably settled the matter and the complainant has no interest to prosecute the accused and is withdrawing the case and he has no objection to allow the criminal petition and quash the proceedings in Crime No.402 of 2022 on the file of Pattabhipuram Police Station, Guntur District which is registered for the offences punishable under Sections 354D and 506 read with 34 IPC. The terms of compromise are reduced into writing in the form of a joint memorandum of compromise, which is

signed by the parties and their counsels. The contents of the joint memo read as follows:

“ Based on compliant made by the 2nd Respondent herein, the Pattabhipuram Police registered the FIR No.402/2022 for the offence U/sec.354-D, 506 r/w.34 IPC against the Petitioner and others. The present compliant made out of matrimonial disputes between the De-facto Complainant and the Accused No.3. Later the matter is compromised between the parties. Therefore the 2nd Respondent/De-facto Complainant is not interested to prosecute the Petitioner herein. The 2nd Respondent/De-facto Complainant has no objection to allow the criminal petition and to quash the proceedings in FIR No.402/2022 on the file of the Pattabhipuram Police Station for against the Petitioner and other Accused also.

Hence this memo.”

5. The Hon’ble Supreme Court in **Daxaben Vs. The State of Gujarat & others**¹ had an occasion to deal with various decisions in **Monica Kumar (Dr.) Vs. State of UP**², **Mrs. Dhanalakshmi Vs. R. Prasanna Kumar**³, **Municipal Corporation of Delhi Vs. Ram Kishan Rohtagi and others**⁴, **State of Andhra Pradesh Vs. Gourishetty Mahesh**⁵, **Paramjeet Batra Vs. State of Uttarakhand**⁶, **Madhavrao Jiwajirao Scindia Vs. Smbhajirao**

¹ 2022 Live Law (SC) 642

² (2008) 8 SCC 781

³ AIR 1990 SC 494: 1990 Supp SCC 686

⁴ (1983) 1 SCC 1

⁵ (2010) 11 SCC 226

⁶ (2013) 11 SCC 673

Chandrojirao Angre⁷, Inder Mohan Goswami Vs. State of Uttaranchal⁸, State of Panjab Vs. Gurdial Singh⁹, Kapil Agarwal & Others Vs. Sanjay Sharma & Others¹⁰, Gian Singh v. State of Punjab¹¹, Narinder Singh Vs. State of Panjab¹², State of Maharashtra Vs. Vikram Anantrai Doshi¹³. Finally, it was held in paragraph No.46 of the said decision as follows:

"46. In **Parbatbhai Aahir Alias Parbathbhai Bhimsinhbhai Karmur and Others v. State of Gujrat and Another¹⁴**, a three-Judge Bench of this Court quoted **Narinder Singh** (supra), **Vikram Anantrai Doshi** (supra), **CBI V. Maninder Singh** (supra), **R.Vasanthi Stanley** (supra) and held:-

"16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. [Section 482](#) preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of [Section 320](#) of the Code of Criminal Procedure, 1973. The power to quash under [Section 482](#) is attracted even if the offence is non-compoundable.

⁷ (1988) 1 SCC 692

⁸ (2007) 12 SCC 1

⁹ (1980) 2 SCC 471

¹⁰ (2021) 5 SCC 524

¹¹ 2012 (9) Scale 257

¹² (2014) 9 SCC 466

¹³ (2014) 15 SC 29

¹⁴ (2017) 9 SCC 641

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under [Section 482](#), the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under [Section 482](#) and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the

possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.”

6. Perused the record.

7. When this Court questioned the complainant with regard to compromise, he reiterated the averments in the affidavit filed in support of I.A.Nos.3 of 2023 and 4 of 2023 and categorically stated that he voluntarily and willingly entered into compromise with the petitioner/accused without any force or pressure from any quarter and he has no objection to quash the proceedings against him. Therefore, in view of the aforesaid decision of the Hon’ble Apex Court and as the parties have entered into a compromise, the chances of conviction are bleak and remote. In the circumstances, I.A.Nos.3 & 4 of 2023 are allowed and the petitioner/accused and the 2nd respondent-complainant are permitted to compound the offence and in view of the joint memo, the compromise is recorded. The Joint Memo filed by the parties shall form part of this order.

8. Having regard to the facts and circumstances alleged in the complaint, this Court is of the view that this is a fit case to quash the proceedings by exercising jurisdiction under Section 482 Cr.P.C. Hence, there is no need to pass any order under Section 320 Cr.P.C and accordingly, I.A.Nos.3 and 4 of 2023 are closed.

9. Accordingly, the Criminal Petition is allowed. Consequently, the proceedings in Crime No.402 of 2022 on the file of Pattabhipuram Police Station, Guntur District, are hereby quashed. Miscellaneous petitions pending, if any, shall stand closed.

B. S.BHANUMATHI, J

13.12.2023
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Date:13.12.2023

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