

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1340 OF 2014

ORDER:

The petitioners, who are accused 1 to 5 filed the present application under Section 482 Cr.P.C. seeking quashing of the investigation in Crime No.425 of 2013 of Central Crime Police Station, Hyderabad, registered for the offences punishable under Sections 498-A and 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act on the ground of compromise arrived at between the parties.

2. Along with the present application the 1st respondent filed Crl.P.M.P.(SR) No. 3355 of 2014 seeking permission of the court to compound the offence. The affidavit of the respondent filed in support of the said petition would disclose that at the instance of elders and well-wishers the parties have settled their dispute and as such she is not interested in proceeding with the case. A joint memo signed by both the parties is also filed.

3. Petitioners 2, 3, 4 and 1st respondent are present before this Court and they are identified by their respective counsel. Petitioners, 1, 5 and 6 are not present but they gave General Power of Attorney to A-2 to represent them in the present case. When examined the first respondent stated that she has no objection for quashing the investigation against the petitioners. In support of her identity, the 1st respondent submitted copy of the Adhar card.

4. In **GIAN SINGH V. STATE OF PUNJAB**^[1], the Apex Court observed that the High Court may quash the criminal proceedings if in its view, the possibility of conviction is remote and bleak and continuation of criminal case would put 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.

5. In **MADHAVARAO J. SCINDIA V. SAMBAJIRAO C.**

ANGRE ^[2] the Supreme Court held as under:

"The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the Court is as to whether the uncontested allegations as made *prima facie* establish the offence. It is also for the Court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the Court cannot be utilized for any oblique purpose and where in the opinion of the Court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the Court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage."

6. The Supreme Court in **MADAN MOHAN ABBOT LV. STATE**

OF PUNJAB ^[3] held as under:

"We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

7. In view of the Judgments referred to above and taking into consideration the fact of compromise arrived at between the parties, this court is of the opinion that no useful purpose would be served in allowing the proceedings to go on as the dispute is purely private and matrimonial in nature and as the chances of conviction are remote and bleak. The affidavit further discloses that a sum of Rs.2,50,000/- was paid to the 1st respondent towards permanent alimony and she also received an amount of Rs.10,000/- towards iddat period maintenance.

In view of the compromise arrived at between the parties, the proceedings against the petitioners/A-1 to A-5 can be quashed.

8. Accordingly, the Crl.P.M.P.(SR) No.3355 of 2014 is ordered. Consequently, the Criminal Petition filed for quashing of the investigation in Crime No.425 of 2013 of Central Crime Police Station, Hyderabad, is allowed.

As a sequel thereto, Miscellaneous Petitions pending if any in this criminal petition, shall stand closed.

C. PRAVEEN KUMAR, J

Date: 31.01.2014

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[1] (2012) 10 SCC 303

[2] (1988) 1 SCC 692

[3] (2008) 4 SCC 582