

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

I.A.No.1 of 2023

AND

CRIMINAL PETITION No.105 of 2023

ORDER:

The petitioner is accused in Crime No.239 of 2022 on the file of the Gajuwaka Police Station, Visakhapatnam District, for the offences under Sections 376, 417 of Indian Penal Code (IPC) and Sections 3(v), 3(1)(r) of SC & ST Prevention of Atrocities Act, 1989.

2. The petitioner has moved this Court to quash the said complaint. Pending the disposal of the said complaint, the *de facto*-complainant has filed I.A.1 of 2023 to permit her to compromise the case with the accused/petitioner.

3. The question of whether the offence under Section 376 of Indian Penal Code can be permitted to be compounded under the provisions of Section of 482 of Cr.P.C had come up earlier at the Hon'ble Supreme Court in Gyan Singh and in K Dhandapani Vs. State. In Gyan Singh's case, the Hon'ble Supreme Court had held that an offence under Section 376 of IPC ought not to be compromised or compounded.

4. However, the judgment of the Hon'ble Supreme Court in K.Dhandapani's case, shows that the Hon'ble Supreme Court in the said circumstances mentioned therein had permitted the compounding of an offence under Section 376 of IPC as well as offence under the Protection of Children from Sexual Offences Act, 2012.

5. The Hon'ble High Court of Karnataka in Satish K and others v/s State of Karnataka & Anr reported in 2022 SCC Online Kar 899: (2022) 5 Kant Law Journal 176, after reviewing the various Judgments of the High Courts of Karnataka and Delhi had held that an offence under Section 376 IPC can be permitted to be compounded, in specific circumstances, including a situation where closure of such case would promote the family life of the complainant and the accused.

6. In the present case, the *de facto*-complainant/petitioner in I.A.No.1 of 2023 states that she was in a relationship with the accused and was upset when the accused sought to marry another girl despite their relationship. On account of this frustration she had filed the above complaint. However, issues have been settled amicably between them and they have decided to live their respective lives.

7. Both the accused and the *de facto*-complainant are personally present before this Court and are identified by their respective counsel.

8. The *de facto*-complainant, upon being questioned stated that she is interested in withdrawing the complaint and compromising the matter as her basic grievance has been addressed and in any event the complaint was given by her out of anger and frustration and not on account of any real complaint against the accused.

9. In the circumstances, I.A.No.1 of 2023 is allowed and Crime No.239 of 2022 before the Gajuwaka Police Station, Visakhapatnam District is quashed.

10. Accordingly, this Criminal Petition is allowed.

Miscellaneous petitions, pending if any, in this Criminal Petition shall stand closed.

R. RAGHUNANDAN RAO, J

04.01.2023
RKS

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

I.A.No.1 of 2023
AND
CRIMINAL PETITION No.105 of 2023

04.01.2023

RKS