APHC010304342024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE 10th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 4954 OF 2024

Between:

1. ADDALA VEERA BHASKAR @ CHAKRI, Aged about 32 yrs, Occ Business, R/o.3-2-56/3/2/4, R/o.Kinnerasani Theater Road, Khammam, Telangana State.

2. Addala Srinivasu,, S/o. Bhaskara Rao, Aged about 57 years, R/o.3-2-56/3/2/4, R/o.Kinnerasani Theater Road, Khammam, Telangana State.

3. Addala Subrahmanyeswari,, W/o. Bhaskara Rao, Aged about 52 years, R/o.3-2-56/3/2/4, R/o.Kinnerasani Theater Road, Khammam, Telangana State.

...Petitioners

AND

1. THE STATION HOUSE OFFICER, , Bhimavaram I Town Police Station West Godavari District, rep. by its Public Prosecutor at High Court of Andhra Pradesh at Amaravati.

2. Smt Addala Rasagna, W/o. Veera Bhaskara @ Chekri, D/o. Nimmagadda Shimhadri, aged about 26 years, R/o. near Mini Shiridi, Bhimandham vari Street, Gunupudi, Bhimavaram.

...Respondents

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court pleased to call for records in connection with the case in in C.C. No. 516 of 2023 on the file of the Hon'ble II Addl. Judicial Magistrate of First Class, Bhimavaram, which was registered for the alleged offences under sections 498-A(Sec 85 of BNS) R/w 34 (Sec 3(5) of BNS) of IPC and Sections 3 & 4 of D.P. Act and to quash the same against the petitioners herein as it is illegal, arbitrary, unjust and abuse of process of law and the allegations do not attract the ingredients of the alleged offences and to pass

IA NO: 1 OF 2024

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to grant stay of all further proceedings in connection with the case in in C.C. No. 516 of 2023 on the file of the Hon'ble II Addl. Judicial Magistrate of First Class, Bhimavaram, which was registered for

the alleged offences under sections 498-A(Sec 85 of BNS) R/w 34 (Sec 3(5) of BNS) of IPC and Sections 3 & 4 of D.P. Act in the interest of justice and pass

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased May be pleased to permit the Respondents petitioners and defacto-complainant to enter into compromise to settle the issue out of court in connection with the case in C.C.No.516 of 2023 on the file of Honble II Addl. Judicial Magistrate of First Class, Bhimavaram, West Godavari District in the interest of justice and to pass

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased May be pleased to record the compromise entered by both the petitioners and this respondent by considering the affidavit of petitioner/2nd Respondent/Defacto-Complainant by allowing the Criminal petition in the interest of justice and to pass

Counsel for the Petitioners: G L NAGESWAR RAO

Counsel for the Respondents: YALLABANDI RAMATIRTHA

Counsel for the Respondents: PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.1 and 2 OF 2026
in/and
Criminal Petition No:4954 OF 2024

COMMON ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein (A1 to A3), seeking to quash the proceedings in C.C.No.516 of 2023 on the file of the learned II Additional Judicial Magistrate of First Class, Bhimavaram, for the offences punishable under Sections 498A and 506 read with 34 Indian Penal Code, 1908 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. It is represented that both the parties have settled the dispute amicably out of the Court at the intervention of their elders and well-wishers. In view of the settlement arrived between both the parties, they filed IA Nos.1 and 2 of 2026 seeking to permit them to compound the offences and to record the compromise.

3. It is stated by the 2nd respondent-de facto complainant in the affidavit filed in support of IA No.1 of 2026 that as per the advice of the well-wishers and family elders of both sides, she

compromised the matter. She further stated in the affidavit that there is no coercion, force or misrepresentation from anybody in giving the said affidavit or in compounding the present case and out of her free will and wish, she was giving the affidavit.

4. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

5. In ***State of M.P. V. Laxmi Narayan***[1], after perceiving the well-established principles, the Hon'ble Supreme Court held as under:

> **"15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:**
>
> **15.1.** That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;
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> **15.2.** Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder,

[1] (2019) 5 SCC 688

rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in ***Narinder Singh***[2] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

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[2] **[*Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54*]**

> **15.5.**[3] While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc."

6. In this context, Apex Court, by reiterating the principles in ***Ram Gopal Vs. State of M.P.***[4], in its vivid terms expressed as under:

> *19. We thus, sum up and hold that as opposed to Section 320 Cr.P.C where the Court is squarely guided by the compromise between the parties in respect of offences compoundable within the statutory framework the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C or vested in this Court under Article 142 of Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercise carefully in the context of quashing criminal proceedings bearing in mind:*
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> *19.1. Nature and effect of the offence on the conscience of the society;*
>
> *19.2 Seriousness of injury, if any;*
>
> *19.3 Voluntary nature of compromise between the accused and the victim; and*

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3 [Ed.: Para 15.5 corrected vide Official Corrigendum No. F.3/Ed.B.J./22/2019 dated 3-4-2019.].

[4] 2024 (14) SCC 531

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

7. Recently, Hon'ble Supreme Court in ***Naushey Ali and Others Vs. State of Uttar Pradesh and Another***[5], by dealing with law on the subject, in its clear words affirmed the above principles.

8. Today, when the case is called, both the parties are present before this Court. Learned counsel for the petitioners and the learned counsel for the 2nd respondent identified both the parties in the open Court. This Court questioned the de facto complainant with regard to compromise, and she has categorically stated that she has voluntarily entered into compromise with the petitioners herein.

9. Keeping in view the overall facts and circumstances of the case, coupled with the nature of the offences, as no adverse antecedents or conduct was found against the accused, the parties on their free will and volition, willingly to put a quietus to all their disputes, which will advance peace and harmony among the parties. More so, the cause of administration of the criminal justice system would remain unaffected.

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[5] (2025) 4 SCC 78

10. As such, this Court is inclined to invoke its power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 Cr.P.C., in the present *lis*, this Criminal Petition is allowed, and proceedings in C.C.No.516 of 2023 on the file of the learned II Additional Judicial Magistrate of First Class, Bhimavaram is hereby quashed.

11. Accordingly, I.A.Nos.1 and 2 of 2026 and Criminal Petition No.4954 of 2024 are allowed.

12. Registry is directed to append a copy of terms of compromise to this order copy.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 10.08.2026
PSA

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.1 and 2 OF 2026
in/and
Criminal Petition No:4954 OF 2024

Date: 10.08.2026

PSA