

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.312 of 2015

ORDER:

In this petition filed under Section 482 Cr.P.C, the petitioner/Accused No.1 seeks recall of NBW issued against him in C.C.No.1210 of 2014 by the learned IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur.

2) The petitioner/A.1 is facing charges under Sec.498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. When he was absent, the trial Court was pleased to issue NBW against him and as it was pending for long time, the trial Court split up the case and conducted trial in C.C.No.84 of 2011 against A.2 to A.5 and acquitted them in its judgment dated 27.08.2014. Subsequently, the petitioner/A.1 filed Crl.M.P.No.64 of 2015 under Section 70(2) of Cr.P.C for recall of N.B.W but the same was dismissed by the trial Court in view of long pending N.B.W.

Hence, the present Criminal Petition.

3) The submission of learned counsel for petitioner/A.1 is that due to his employment, the petitioner was held up in USA and that was why he could not attend before the trial Court in time. Recently, the *defacto* complainant and petitioner/A.1 have entered into a compromise at the intervention of elders and as per the terms of the compromise, both of them have obtained divorce in FCOP No.170 of 2014 on the file of Judge, Family Court-cum-III Additional District Judge, Warangal and they also

proposed to settle the disputes in C.C.No.1210 of 2014 and in fact they have filed a compounding petition which is pending in the High Court. Considering these facts, N.B.W may be recalled.

4) It is seen that the petitioner/A.1 and *defacto* complainant filed Crl.P.M.P.No.853 of 2015 in Crl.P.No.14669 of 2014 praying this Court to accord permission to compromise the case in C.C.No.1210 of 2014 and the same is pending. As it is a matrimonial matter and parties are effecting compromise, it is a fit case to recall the NBW issued against the petitioner/ A.1 in C.C.No.1210 of 2014 to enable parties to compound the offences in the case.

5) In the result, this Criminal Petition is allowed and the order dated 09.01.2015 passed in Crl.M.P.No.64 of 2015 in C.C.No.1210 of 2014 by the learned IX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur is set aside and NBW issued by the said court against petitioner/A.1 is hereby recalled.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 09-02-2015

SCS