

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.1766 OF 2015

ORDER:

This Criminal Petition is filed by petitioners/A2 to A5 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.1099 of 2013 on the file of V Additional Judicial First Class Magistrate, Rajahmundry, where the learned Magistrate has taken cognizance for the offences punishable under Sections

498-A r/w 34 I.P.C and 4 of the Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State before notice to respondent No.2 and before admission.

Perused the material including additional material on record. A perusal of record shows, under Section 19 of the Legal Services Authority Act, 1987, a pre-litigation settlement was arrived under one petition insofar as husband, de facto complainant and petitioners/A2 to A5 relatives of husband including in-laws. Even after the Lok Adalat settlement in the crime stage the police filed final report. The husband as A1 and his relatives A2 to A5 filed separate quash petitions from the police final report that was taken cognizance by the learned Magistrate for the offence punishable under Sections 498-A I.P.C. and 4 of the Dowry Prohibition Act. In fact, the offences under the Dowry Prohibition Act are non-compoundable by virtue of specific bar under the Act itself vide Section 8 of the Dowry Prohibition Act.

No doubt, subsequently, so far as the application of A1/husband of the *de facto* complainant concerned, this Court by

order dated 17.03.2015 in CrI.P.No.9607 of 2014 quashed the cognizance taken by the learned Magistrate on the police report for the offences punishable under Sections 498-A I.P.C. and 4 of the Dowry Prohibition Act and thus petitioners/A2 to A5 are only relatives of husband, thereby this petition is also allowed.

Accordingly, this Criminal Petition is allowed by quashing the proceedings in C.C.No.1099 of 2013 on the file of V Additional Judicial First Class Magistrate, Rajahmundry.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:28-10-2015

pab