

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.M.P.Nos.6489 and 6490 of 2015

and

Crl.P.No.13219 of 2013

ORDER

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The petitioners/A2 and A3 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.274 of 2013 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad, registered for the offence punishable under Section 498-A read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act, against them.

2. The averments in the charge sheet would disclose that the marriage of the complainant with A1 was performed on 25.06.2009 as per Christian religion and at the time of marriage, her parents gave Rs.3,00,000/- towards dowry, 10 tulas of gold and other household articles. After 15 days of their marriage, A1 at the instigation of A2 and A3 started harassing the complainant for additional dowry of Rs.2,00,000/- and also for property share. A1 also used to beat her and confine her in a room by putting the fear in her mind that he would kill her and all the accused also threatened her to give divorce and perform the second marriage of A1. Hence, she filed a complaint against A1 to A3 and the same was registered as Cr.No.164 of 2012 under Section 498-A read with Section 34 IPC and under Sections 3 and 4 of Dowry Prohibition Act.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/A2 and A3 are present along with their respective counsel. They filed Crl.M.P.Nos.6489 and 6490 of 2015 seeking to compound the offences and they also produced the xerox copies of their Identity Cards. The second respondent stated that the matter has been settled out of the Court and she does not want to prosecute the petitioners/A2 and A3 in the aforesaid crime. Thus, she prays to quash the proceedings against them.

4. In view of the compromise arrived at between the parties, continuation of criminal proceedings against the petitioners/A2 and A3 would be a futile exercise. But the offences alleged against the petitioners are non-compoundable. In a case of this nature, the Courts would be justified in invoking its inherent jurisdiction and the technicalities should not be allowed to stand in the way of Courts' power to quash the criminal proceedings involving non-compoundable offences. Therefore, it is just and proper to quash the criminal proceedings against the petitioners/A2 and A3.

5. Accordingly, the CrI.P.M.P.Nos.6489 and 6490 of 2015 are ordered and the Criminal Petition is allowed and the proceedings in C.C.No.274 of 2013 on the file of XV Additional Chief Metropolitan Magistrate at Hyderabad, are quashed against the petitioners/A2 and A3. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

8th October, 2015

sj