

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION No.2578 of 2015**

**ORDER:**

This is a petition filed, under Section 482 of the Code of Criminal Procedure, 1973, requesting the Court to quash the proceedings in C.C.No.18 of 2005 on the file of XXII Metropolitan Magistrate, Nampally, Hyderabad. The petitioners alleged to have committed the offences punishable under Sections 498-A and 406 IPC and Sections 3 and 4 of the Dowry Prohibition Act. On the complaint of the first respondent, the same was taken cognizance for the said offences and the above calendar case was registered by the Court.

Incidentally, the relevant facts require narration.

The marriage of the first petitioner and first respondent was solemnized some time prior to filing of C.C.No.18 of 2005, in connection with which the first petitioner filed O.P.No.431 of 2004 on the file of Judge, Family Court, Hyderabad, and the photostat copy of the certified copy is filed showing that the first petitioner and first respondent filed a compromise petition which was allowed recording the terms of compromise and, in accordance therewith, the marriage of the first petitioner and first respondent that took place on 22.11.2002 was dissolved. So, basing on it, it is stated, in the instant petition, that further criminal proceedings, registered in Crime No.80 of 2004 of Abids Police Station under the above sections of law, are liable to be quashed. It is also stated in the petition that continuation of proceedings in C.C.No.18 of 2005 tantamount to abuse of process of law and, therefore, should be quashed in view of compromise entered into between the first

petitioner and first respondent and the matter was settled by payment of Rs.2.00 lakhs to the first respondent by the first petitioner in the presence of elders and 11 years elapsed from the date of dissolution of marriage. Certain other facts were also narrated in the complaint together with deed of adoption dated 18.08.2004.

Heard both sides.

Learned counsel for the petitioners, to substantiate the stand he has taken, drawn the attention of this Court to the letter addressed by the first respondent dated 06.08.2004 to the Inspector of Police, Women Police Station, Central Crime Station, Hyderabad, referring to Crime No.80 of 2004, under Section 498-A read with Sections 3 and 4 of the Dowry Prohibition Act, and Crime No.431 of 2004 pending on the file of XXII Metropolitan Magistrate, Nampally, Hyderabad, under Sections 379, 403, 405, 406, 418, 420, 120-B IPC read with 34 IPC, and stating that they entered into compromise not only between spouses but also in-laws at the intervention of elders and a deed was also executed recording the terms of compromise and, therefore, requested to close both the cases. Learned counsel drawn the attention of this Court to the deed of compromise filed along with petition. It is, therefore, his contention that nothing would survive and non-bailable warrants have been pending against A.2 to A.5 and it amounts to abuse of process of law in case the proceedings are continued, and sought to quash the proceedings in the above calendar case.

Learned Public Prosecutor represents that the parties can approach the concerned Court and agitate the ground before the Court and resisted the request.

It is no doubt true, copies of the letter addressed by the first respondent referring to instant crime and deed of compromise and final settlement, and the copy of the order passed by the Family Court, referred to above, recording compromise and granting decree of divorce dissolving the marriage between the spouses, filed, but, certainly it is not a case to quash the entire proceedings since these documents can be confronted in case she steps into the witness box, more particularly, when non-bailable warrants have been pending, and the calendar case has been pending since 2005.

Hence, it is not a situation where, extraordinary jurisdiction to quash the proceedings in calendar case can be exercised when looked at the conduct of the petitioners, when non-bailable warrants are pending, irrespective of the fact whether the documents which were adverted to by the learned counsel for the petitioners are genuine or otherwise.

Hence, the Criminal Petition is dismissed. It is observed that in case the petitioners herein (i.e. petitioner No.1 and petitioner Nos.3 to 5) file an application seeking recall of non-bailable warrants issued against them, the request may be decided on the very same day on merits. It is made clear that, since the second petitioner (Sri Ram Pratap Bihani) shown as 'died' in the cause-title in the instant petition, the documents relating to his death shall be filed in the Court securing them from the concerned authority from Bangalore.

As a sequel thereto, miscellaneous applications, if any, also stand dismissed.

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**A. SHANKAR NARAYANA, J**

Date:10.04.2015  
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