

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO
Crl.P.M.P.No.371 of 2015 in Crl.P.No.368 of 2015
and
Crl.P.No.368 of 2015

Common Order:

The *de facto* complainant and her counsel Sri S.Vani are present. A.1 and his counsel Sri Y. Radhakrishna Murthy are present. A.2 is the mother of A.1. A.2 is absent and a dispense with petition is filed on the ground that due to dislocation of left shoulder joint, she is unable to attend the Court from Markapur, Prakasam District. Her absence is condoned.

Heard both sides and perused the petition.

The Police of WPS, CCS Hyderabad P.S laid charge sheet in FIR No.392 of 2010 against the Accused Nos.1 and 2 for the offences under Section 498-A, 406, 506 r/w 34 IPC and Sec. 4 and 6 of Dowry Prohibition Act and the learned XIII Additional Chief Metropolitan Magistrate, at Hyderabad took cognizance of the same and registered C.C.No.128 of 2011.

While-so, now the submission of both parties is that at the intervention of elders, they have amicably settled their disputes and the *defacto* complainant and A.1 decided to obtain divorce and in fact the *defacto* complainant already filed divorce application in O.P.No.1027 of 2011 before the Family Court, Hyderabad and the same is pending and they have moved a compromise petition in the said O.P and as per the terms of the said compromise petition, A.1 agreed to give an amount of Rs.5,50,000/- to the *defacto* complainant towards her maintenance and today the A.1 paid Rs.5,00,000/- by way of

two Demand Drafts (DDs) i.e, D.D.No.005336 and 005337 dated 09.12.2014 drawn in favour of the *defacto* complainant on HDFC Bank Ltd, East Marredpally, Secunderabad and paid them in Court and he is agreeing to pay the balance amount of Rs.50,000/- to her after recording of compromise in O.P.No.1027 of 2011 and consequently, they also decided to compromise in the criminal proceedings in C.C.No.128 of 2011 and therefore, permission may be accorded to them to enter into compromise and quash the proceedings in C.C.No.128 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, at Hyderabad in the interest of justice.

Having regard to the above submission and considering the fact that it is a matrimonial matter wherein the parties have amicably settled their disputes out of court and entered into a compromise and no useful purpose will be served even if the parties are driven to trial and also considering the decision of Apex Court reported in ***Gian Singh vs. State of Punjab and another***^[1], permission is accorded and this Criminal Miscellaneous Petition is allowed and compromise is recorded as per the terms in the accompanying compromise petition and consequently the proceedings in C.C.No.128 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, at Hyderabad are hereby quashed.

In the result, both the petitions are accordingly disposed of.

As a sequel, miscellaneous petitions pending, if any, shall

stand closed.

U.DURGA PRASAD RAO, J

Date: 28-01-2015
scs

[\[1\]](#) (2012) 10 SCC 303