

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRL.M.P.NO.5260 OF 2015

AND

CRIMINAL PETITION No.5194 OF 2015

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COMMON ORDER:

This Criminal Petition is filed by the petitioners/A1, A3, A4 and A6 under Section 482 Cr.P.C seeking to quash the proceedings in C.C.No.857 of 2010 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, in connection with Crime No.165 of 2013 of WPS, CCS, Hyderabad, for the offence punishable under Sections 498-A, 406, 506 r/w 34 I.P.C. and Sections 4 and 6 of Dowry Prohibition Act.

Heard the learned counsel for the petitioners and the learned counsel for respondents.

Pending the Criminal Petition, the *de facto* complainant filed Crl.MP.No.5260 of 2015 seeking permission of the Court to compound the offence in C.C.No.857 of 2010. The affidavit filed in support of the said petition discloses that at the instance of elders, the matter has been settled amicably; that the 1st petitioner and the *de facto* complainant obtained mutual divorce on 01.11.2011 in O.P.No.445 of 2011 on the file of Family Court, Ranga Reddy District and thereby she has to be permitted to withdraw the prosecution against A2 to A6 and to compound prosecution with A1. A2 and A5 are staying abroad since prior to the registration of the crime.

No doubt, the *de facto* complainant has no right to withdraw by virtue of any statutory provisions in the Criminal Procedure Code but for to sub serve the ends of justice if at all to quash the proceedings invoking Section 482 Cr.P.C. so far as A2 and A5 are concerned, as the very *de facto* complainant says not interested in pursuing the prosecution since amicably settled including of monitory claims with

accused persons by invoking Section 482 Cr.P.C, proceedings against A2 and A5 are quashed in the above factual matrix and compounded. So far as A1, A3, A4, A6, the *de facto* complainant since present by according permission under Section 482 Cr.P.C. so far as the offence under Sections 4 and 6 of the Dowry Prohibition Act otherwise not compoundable under Section 320 Cr.P.C. is permitted to compound the offence.

Having regard to the said circumstances, the complainant is permitted to compound the offence with all the accused pending criminal petition before this Court.

Accordingly, Crl.M.P.No.5260 of 2015 is ordered and the Criminal Petition is allowed by quashing the proceedings C.C.No.857 of 2010 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 10-06-2015

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