

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.P.M.P.No.13439 OF 2015

IN/AND

Crl.P.No.13424 OF 2015

COMMON ORDER:

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This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 by the petitioner/A-1 seeking to quash the proceedings in Sessions Case No.196 of 2007 on the file of the Mahila Sessions Judge – cum – V Additional District Judge, Vijayawada, Krishna District.

2. Heard and perused the material on record.

3. The offence alleged against the petitioner is punishable under Section 304-B I.P.C.

4. During the pendency of the petition, respondent No.2/*de facto* complainant filed Crl.P.M.P.No.13439 of 2015 to permit her to compromise S.C.No.196 of 2007 pending on the file of the Mahila Sessions Court, Vijayawada and acquit the petitioner/A-1. She also filed a Memorandum of Understanding executed between herself, the petitioner and A-2.

5. Learned counsel for the petitioner prays this Court to quash the proceedings in the aforementioned case on the basis of the compromise entered into between the parties.

6. This Court is of the view that the compromise entered into between the parties is not a ground to quash the proceedings, as the offence alleged is so serious in nature, and the same is also not compoundable. Hence, this Court is not inclined to quash the proceedings in the said case on the ground of compromise entered into between the parties. But at the same time, learned counsel placed

reliance on two factors. Firstly, the trial Court, after due trial, acquitted A-2 on the ground that the entire evidence does not disclose commission of offence under Section 304-B I.P.C. Secondly, prior to filing of the quash petition, the witnesses examined before the Court below more particularly, respondent No.2 herein, who is the mother of the deceased, turned hostile and she has not supported the case of the prosecution. The other witnesses who are acquainted with the facts and circumstances of the case also deposed before the Court below against the case of the prosecution.

7. On perusal of the entire record, this Court is of the view that the pendency of the present case, if allowed to be continued, no fruitful purpose would be served.

8. In the above circumstances and in view of the compromise entered into between the parties, this Court feels that it is just and proper to quash the proceedings against the petitioner herein.

9. Accordingly, CrI.P.M.P.No.13439 of 2015 is ordered and the Criminal Petition is allowed quashing the proceedings in Sessions Case No.196 of 2007 on the file of the Mahila Sessions Judge – cum – V Additional District Judge, Vijayawada, Krishna District insofar as the petitioner/A-1 is concerned. However, the petitioner/A-1 shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the Andhra Pradesh State Legal Services Authority, Hyderabad towards costs.

10. The Registry is directed to issue a copy of this order to the parties concerned after furnishing receipt of payment of costs.

11. Miscellaneous petitions pending, if any, in this Criminal Petition shall stand closed.

JUSTICE RAJA ELANGO

16.3.2016
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO

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