

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.43985 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the 3rd respondent in proceeding with the investigation in Crime No.438 of 2016, dated 27.9.2016 on the file of the Pahadisharief Police Station as arbitrary, illegal and violative of rights guaranteed under the Constitution of India and consequently direct the respondents to forthwith close the FIR.No.438 of 2016, dated 27.9.2016 on the file of the Pahadisharief Police Station, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. Heard and perused the material on record.
3. The offences alleged against the petitioners are punishable under Sections 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961. Respondent No.5/*de facto* complainant and petitioner No.1/A-1 filed a joint memo stating that the matter has been settled out of Court between the parties and respondent No.5 is not interested to prosecute the accused and she has also no objection to quash the proceedings in the said crime and hence, prays to allow the writ petition.
4. Both parties are present and they are identified by their respective counsel. In view of the compromise arrived at between the parties, continuation of proceedings against the petitioners/A-1 to A-4 would be an exercise in futility. 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 even in the case of non-compoundable offences.

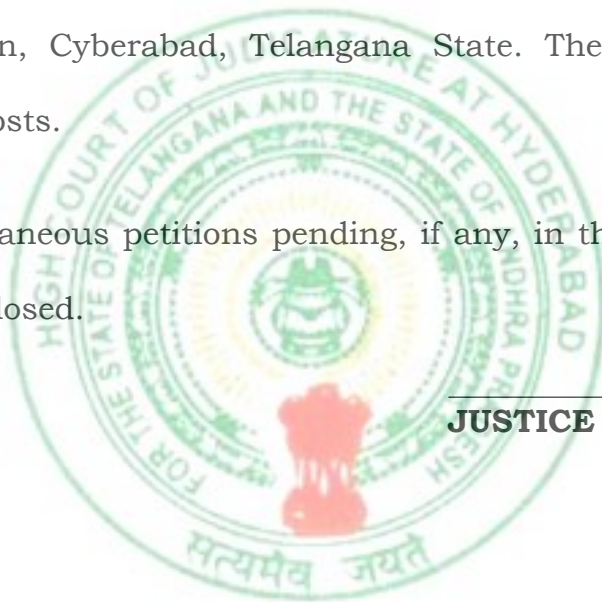
5. In the above circumstances and in view of the compromise, this Court feels that it is just and proper to quash the proceedings against the petitioners herein.

6. Accordingly, the Writ Petition is allowed quashing the proceedings in Crime No.438 of 2016 on the file of Pahadisharief Police Station, Cyberabad, Telangana State. There shall be no order as to costs.

7. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

19.12.2016
AMD

JUSTICE RAJA ELANGO



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Date: 19.12.2016

AMD