

THE HON'BLE SRI JUSTICE RAJA ELANGO

CrI.P.M.P.No.3699 of 2016

and

CrI.P.No.12150 of 2015

ORDER

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The petitioners/A1 to A4 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in P.R.C.No.38 of 2014 on the file of II Additional Judicial First Class Magistrate, Kovvur, West Godavari District, registered for the offences punishable under Sections 498-A IPC, 323, 324, 307, 506(2) IPC read with Section 34 IPC, against them.

2. The averments in the charge sheet would disclose that the marriage of the de facto complainant with A1 was solemnized on 24.04.2002 at Bhimavaram as per their rites and customs. At the time of marriage, her parents gave Rs.3 lakhs and 30 sovereigns of gold as dowry to A1. During the wedlock, they begot one female child. Thereafter, all the accused used to harass the de facto complainant physically and mentally by demanding additional dowry. A1 used to beat her everyday and on 31.12.2012, A1 to A3 attempted to kill her by pressing her throat with hands and also with a rope. Hence, she filed a complaint against A1 to A4 and the same was registered as Cr.No.137 of 2013 under Sections 498-A, 323, 324, 307, 506(2) read with Section 34 IPC and u/s.156(3) Cr.P.C.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/A1 to A4 are

present and are identified by their respective counsel. The petitioners filed CrI.M.P.No.3699 of 2016 along with an affidavit of the second respondent/de facto complainant, memo of compromise and a demand draft seeking to compound the offences alleged and to quash the proceedings against the petitioners/A1 to A4. The second respondent stated that the matter has been settled out of the Court and she does not want to prosecute the petitioners/A1 to A4 in the aforesaid crime. Thus, she prays to quash the proceedings against them.

4. In view of the compromise arrived at between the parties, continuation of criminal proceedings against the petitioners/A1 to A4 would be a futile exercise. The offences punishable under Sections 323 and 324 IPC are compoundable, whereas the other offenses alleged against the petitioners are non-compoundable. 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 involving non-compoundable offences. Therefore, it is just and proper to quash the criminal proceedings against the petitioners/A1 to A4.

5. Accordingly, the CrI.M.P.No.3699 of 2016 is ordered. Consequently, Criminal Petition is allowed and the proceedings in P.R.C.No.38 of 2014 on the file of II Additional Judicial First Class Magistrate, Kovvur, West Godavari District, are quashed against the petitioners/A1 to A4. The second respondent-de facto complainant and the petitioners/A1 to A4 are directed to deposit a

sum of Rs.5,000/- together towards costs to the Andhra Pradesh State Legal Services Authority, Hyderabad and to produce the receipts before the Registry on or before 26.03.2016 and on filing such receipts, Office to issue a copy of the order to the parties. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

15th March, 2016

sj