

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.M.P.Nos.13946 and 13947 of 2015

and

Crl.P.No.2069 of 2014

ORDER

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The petitioners/A2 to A4 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.196 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offence punishable under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, against them.

2. The averments in the charge sheet would disclose that the marriage of the de complainant with A1 was solemnized on 30.04.2009 at Hyderabad as per their rites and customs. At the time of marriage, her parents gave Rs.10 lakhs and 20 tulas of gold as dowry to A1. After marriage, all the accused used to harass the de facto complainant physically and mentally by demanding additional dowry. They also used to threaten her that they would perform another marriage to A1. Hence, she filed a complaint against A1 to A4 and the same was registered as Cr.No.448 of 2010 under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/A2 to A4 are present and are identified by their respective counsel. They filed Crl.M.P.Nos.13946 and 13947 of 2015 seeking to compound the

offences alleged and to quash the proceedings against the petitioners/A2 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/A2 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/A2 to A4 would be a futile exercise. But the offences 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/A2 to A4.

5. Accordingly, the Crl.P.M.P.Nos.13946 and 13947 of 2015 are ordered. Consequently, Criminal Petition is allowed and the proceedings in C.C.No.196 of 2011 on the file of XIII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are quashed against the petitioners/A2 to A4. The second respondent-de facto complainant and the petitioners/A2 to A4 are directed to deposit a sum of Rs.5,000/- together towards costs to the Telangana 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.

15th March, 2016
sj

RAJA ELANGO, J