

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRIMINAL PETITION No.9131 of 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent - State and the learned counsel for the 2nd respondent – de facto complainant.

2. This criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.625/2016 on the file of Judicial Magistrate of First Class Jangareddigudem, West Godavari district, registered against the petitioners/A-1 to A-6, for the alleged offences punishable under Sections 498-A, 406 and 506 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act.

3. Today, when the matter came up for hearing, the learned counsel for the petitioners submitted that the parties have amicably settled the matter and the 2nd respondent, who is the de facto complainant filed CrI.P.M.P.No.11267/2016 in CrI.P.No.9131/2016 to permit her to compound the above offences and to quash the proceedings. The learned counsel submitted that in the present case some of the offences are non-compoundable and as the parties have settled the matter, sought this court, to record compromise and quash the proceedings. In support of this submission, the learned counsel relied on the judgment in **Yogendra Yadav v. State of Jharkhand**^[1], wherein the Apex Court held that “*However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable.*”

4. The parties, except the 5th petitioner/A-5 are present and the 2nd petitioner/A-2 filed CrI.P.M.P.No.11266/2016 to permit him to file G.P.A. on behalf of 5th petitioner/A-2 representing. The said petition is allowed. The parties submitted that they have amicably settled the matter and the 2nd respondent/de facto complainant may be permitted to compound the above offence. The parties are identified by their counsel. The parties have signed in the joint memorandum of compromise and the same has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court in Yogendra Yadav's case (supra), the CrI.P.M.P.No.11267/2016 in CrI.P.No.9131/2016 is allowed and the joint memorandum of compromise is made part of this order.

5. The proceedings in C.C.No.625/2016 on the file of Judicial Magistrate of First Class Jangareddigudem, West Godavari district, registered against the petitioners/A-1 to A-6, for the alleged offences punishable under Sections 498-A, 406 and 506 read with 34 IPC and Sections 3 and 4 of Dowry Prohibition Act are hereby quashed and the criminal petition is allowed in terms of the compromise.

6. Miscellaneous petitions pending if any, shall stand closed.

M.S.K.JAISWAL, J

Date: 18.07.2016
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[\[1\]](#) 2015 (1) ALD (CrI.) 240 (SC)