

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.M.P.Nos.1761 and 1762 of 2016

and

Crl.P.No.1858 of 2016

ORDER

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The petitioners/A1 to A5 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in C.C.No.28 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate at Hyderabad, registered for the offences punishable under Sections 498-A and 406 IPC and under Sections 4 and 6 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 performed on 04.07.2011 at Hyderabad Arya Samaz and upon demand, her parents gave Rs.20 lakhs apart from gold worth Rs.10 lakhs and also other household articles. After marriage, A1 at the instigation of other accused started harassing the de complainant physically and mentally by demanding additional dowry of Rs.20 lakhs and also used to beat her. Hence, she filed a complaint against A1 to A5 and the same was registered as Cr.No.343 of 2013 under Sections 498-A and 406 IPC and under Sections 4 and 6 of Dowry Prohibition Act.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioners/A1 to A5 are present and are identified by their respective counsel. They filed Crl.M.P.Nos.1761 and 1762 of 2016 seeking to compound the

offences alleged against the accused and to quash the proceedings against them. They also produced the xerox copies of their Identity Cards. 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 A5 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 A5 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/A1 to A5.

5. Accordingly, the CrI.P.M.P.Nos.1761 and 1762 of 2016 are ordered and the Criminal Petition is allowed and the proceedings in C.C.No.28 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, are quashed against the petitioners/A1 to A5. The second respondent-de facto complainant and the petitioners/A1 to A5 are directed to deposit a sum of Rs.10,000/- and Rs.5,000/- respectively, towards costs to the Telangana State Legal Services Authority, Hyderabad and to produce the receipts before the Registry on or before 17.02.2016 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 February, 2016
sj

RAJA ELANGO, J