

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.M.P.Nos.18119 and 18120 of 2016
and
CRIMINAL PETITION No.16011 of 2016

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in D.V.C.No.28 of 2016 on the file of IV Metropolitan Magistrate, Erramanzil, Hyderabad, against petitioners/A1 to A3.

2. Crl.M.P.Nos.18119 and 18120 of 2016 are filed under Sections 320(2) and 320(6) Cr.P.C., respectively, by both parties to record compromise and quash the proceedings in the aforesaid crime.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and petitioners/A1 to A3 are present and are identified by their respective counsel. It is submitted by both parties that the first petitioner agreed to pay maintenance @ Rs.5,000- per month to the minor daughters, by name, Syeda Afshan Fatima and Syeda Raheela Fatima and that the second respondent, in all fairness, admitted the same stating that there is a separate agreement for payment of maintenance and that they have settled their disputes amicably in the present case and hence requested to record compromise in the criminal proceedings in the above case, and quash.

4. In **Gian Singh v State of Punjab**¹, the apex Court observed as under:

“..... In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to

¹ (2012) 10 SCC 303

continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

5. In view of the compromise between the parties and by following the principles laid down in **Gian Singh’s** case, this Court is of the view that even if the proceedings are allowed to continue, the second respondent may not support the case of the prosecution and no purpose would be served in keeping the matter pending in view of the settlement arrived at between the parties.

6. Having regard to the facts and circumstances of the case and also the principle enunciated in the case cited supra, I am of the considered opinion that it is a fit case to quash the proceedings.

7. In the result, the CrI.M.P., is ordered. Consequently, the Criminal Petition is allowed and the proceedings in D.V.C.No.28 of 2016 on the file of IV Metropolitan Magistrate, Erramanzil, Hyderabad, are quashed against petitioners/A1 to A3. Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY J

15th November, 2016

sj