

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRL.M.P.Nos.18492 and 18494 of 2016

and

CRIMINAL PETITION No.16369 of 2016

COMMON ORDER

The criminal petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.312 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offences under Sections 498-A, 506 IPC and under Section 4 and 6 of Dowry Prohibition Act, against petitioners/A1 and A2.

2. Crl.M.P.Nos.18492 and 18484 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 first respondent/de-facto complainant and petitioners/A1 and A2 are present and are identified by their respective counsel. It is submitted by both parties that they wanted to dissolve their marriage by filing a petition before Khazi and the petitioners/A1 and A2 are agreed to return the jahez articles and dowry amount through Demand Drafts, and learned counsel for petitioners handed over two banker cheques for Rs.1,38,000/- and Rs.2,50,000/- respectively, to the de-facto complainant, who in turn acknowledged the receipt of the same. Therefore, the parties are requested to record compromise in the above case and quash the proceedings against petitioners/A1 and A2.

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

¹ (2012) 10 SCC 303

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 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 first 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.Ps., are ordered. Consequently, the Criminal Petition is allowed and the proceedings in C.C.No.312 of 2015 on the file of XV Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are quashed against petitioners/A1 and A2. Miscellaneous petitions, if any, pending in the criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY J

29th November, 2016

sj