

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.M.P.No.3687 OF 2016

&

CRIMINAL PETITION No.3394 OF 2016

ORDER:

The above Criminal Petition is filed by the petitioners-accused Nos.1 & 4 under Section 482 Cr.P.C., seeking to quash the proceedings against them in DVC No.26 of 2012 on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri, R.R. District.

The 2nd respondent – de facto complainant is the wife of the 1st petitioner. She filed DVC No.26 of 2012 against the petitioners and others seeking certain reliefs under the provisions of the Protection of Women from Domestic Violence Act.

When this matter is taken up for hearing, the petitioners and the 2nd respondent-de facto complainant, who appeared before this Court, submitted through their Counsel that due to intervention of the elders, they entered into compromise and therefore, the proceedings in the above DVC may be quashed. The 2nd respondent - de facto complainant filed an affidavit to that effect. Both the parties filed a joint memo of compromise also.

When this Court enquired the 2nd respondent – de facto complainant, she informed that she is not interested in prosecuting the case against all the accused, since they have entered into a compromise and divorce was granted by the competent Court in United Kingdom.

In view of the compromise arrived at between the parties, continuation of proceedings against the petitioners-accused Nos.1 and 4 and also the other accused in the DVC, even though they are not parties before this Court, would be the exercise in futility. 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 even in the case of non-compoundable offences.

In the above circumstances and in view of the compromise, this Court feels that it is just and proper to quash the proceedings against the petitioners herein and also the other accused in the DVC.

Accordingly, the Crl.M.P. is ordered and the Criminal Petition is allowed quashing the proceedings against the petitioners-Accused Nos.1 and 4 and also the other accused in DVC No.26 of 2012 on the file of X Metropolitan Magistrate, Cyberabad, Malkajigiri, Ranga Reddy District. The petitioners are directed to pay Rs.5,000/- (Rupees Five Thousand only) towards costs to the Telangana State Legal Services Authority, Hyderabad.

Consequently, miscellaneous petitions pending if any, shall stand closed.

The Registry is directed to issue a copy of this order to the parties concerned, after furnishing receipt of payment of costs.

RAJA ELANGO, J

March 15, 2016.
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