

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.5434 OF 2016

ORDER:

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This Criminal Petition is filed by the petitioners-accused under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C. No.396 of 2008 pending on the file of XIII Metropolitan Magistrate, Hyderabad.

In the petition, it is prayed to allow the petition in view of the compromise entered between the parties and to quash the orders passed in C.C.No.396 of 2008.

Originally, the petitioners were convicted by the XIII Additional Chief Metropolitan Magistrate, Hyderabad for the offence under Section 498-A IPC and Section 4 of Dowry Prohibition Act. Against the said orders, the petitioners preferred appeal in CrI.A.No.1023 of 2014 and the same is pending before the II Additional Metropolitan Sessions Judge, Hyderabad. The petitioners, instead of filing the compromise application before the appellate Court, filed the same before this Court on the ground that some of the offences are non-compoundable in nature.

Heard and perused the records.

This Court is of the view that when some of the offences are non-compoundable, the appellate Court cannot compound the said offences even though the parties are interested in compromising the issue unless there is a direction from this Court.

In that view of the matter, considering the fact that the case is arising out of matrimonial dispute, the II Additional Metropolitan Sessions Judge, Hyderabad is directed to record the compromise

entered between the parties and pass orders in accordance with law in the appeal.

The Criminal Petition is accordingly disposed of.

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

JUSTICE RAJA ELANGO

21.04.2016

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