

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2423 AND 2424 OF 2017

IN/AND

CRIMINAL PETITION No.2454 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by the petitioners - accused Nos.1 to 3 seeking to quash the proceedings in Calendar Case No.48 of 2013 on the file of Judicial Magistrate of First Class, Prathipadu, East Godavari District, Andhra Pradesh, registered for the offences punishable under Section 498A read with 34 IPC and 3 and 4 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.2423 of 2017 is filed by respondent No.2 - *de facto* complainant, seeking to record the compromise.

3. Criminal Petition M.P. No.2424 of 2017 is filed by the petitioners - accused seeking to compound the aforesaid offences in pursuance of the compromise entered into between themselves and respondent No.2 - *de facto* complainant.

4. Perused the affidavit of the *de facto* complainant and the joint memo signed by both the parties filed along with the CrI.P.M.P.2423 of 2017. The petitioners and respondent No.2 - *de facto* complainant entered into compromise concerning the aforesaid offences.

5. Both parties as well as their learned counsel are present and the parties are identified by their respective learned counsel, Sri B. Vijaysen Reddy and Ms. A. Chandana. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity.

6. On being enquired, the *de facto* complainant also affirms the terms that the payment of Rs.16,50,000/- (Rupees sixteen lakhs and fifty thousand) would be paid towards full and final settlement of all the claims including permanent alimony by way of Demand Drafts when a decree of divorce is obtained in O.P. No.117 of 2013 on the file of III Additional Senior Civil Judge, Kakinada, on mutual consent and withdrawal of Domestic Violence Case and that she has no grievance of any kind against the petitioners - accused to record compromise in the present petition and that she is aware of the contents of joint memo and affidavit.

7. Since both parties affirmed the contents of affidavit filed by the *de facto* complainant and the joint memo, compromise is recorded as it is only a matrimonial dispute and falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

8. The Criminal Petition M.P. Nos.2423 and 2424 of 2017 are allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against the petitioners - Accused Nos.1 to 3

in Calendar Case No.48 of 2013 on the file of Judicial Magistrate of First Class, Prathipadu, East Godavari District. The joint memo filed by the parties shall form part of the record.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

April 03, 2017.
Mgr



¹. (2012) 10 SCC 303