

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.1123 OF 2017

IN/AND

CRIMINAL PETITION No.1187 OF 2017

COMMON ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by accused Nos.1 to 4 viz., Mohammed Abdul Ahmed Khan alias Mohammed Ahmed Khan, Smt. Abeeunnisa Begum alias Habeeunnisa Begum, Jakeer Ahmed Khan alias Zakir Ahmed Khan and Smt. Afroz Sulthana, respectively, seeking to quash the proceedings in C.C. No.330 of 2016 on the file of XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar, arising out of First Information Report No.153 of 2016, dated 26.07.2016, of Saroor Nagar Women Police Station, Cyberabad East, for the offences punishable under Sections 498-A and 506 of the Indian Penal Code, 1860 (IPC), and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.1123 of 2017, under Section 320(2) of Cr.P.C., is filed by the *de facto* complainant Smt. Syed Salwa Ibrahim, who is wife of accused No.1 and respondent No.2 in the Criminal Petition, along with her affidavit, compromise petition and Joint Memo, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the

matter and consequently to quash the proceedings against the petitioners stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the Matrimonial Settlement Deed, dated 01.02.2017, which is filed in the Criminal Petition, and the Joint Memo.

3. The *de facto* complainant and the petitioners as well as their counsel are present and the parties are identified by their respective counsel, Sri P. Vamsheedhar Reddy and Sri G. Sangamesh Goud. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant and the petitioners report that that they have compromised the matter between them outside the Court with the intervention of the elders by settling all the disputes and differences between them in terms of the compromise and to that effect they have also filed the Matrimonial Settlement Deed 01.02.2017 and also Joint Memo, and request the Court to record the compromise and consequently to quash the proceedings against the petitioners. The *de facto* complainant and petitioner No.1 also state that they are residing separately for the last one year, they agreed to obtain “Khula Divorce” and that the *de facto* complainant has received an amount of Rs.4,00,000/- from petitioner No.1 towards full and final settlement of the disputes between them and to withdraw all the matters pending against the petitioners.

5. Since the offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, 1961, are non-compoundable, the parties moved the present criminal petition along with the petitioner under Section 320(2) of Cr.P.C., seeking to quash the proceedings, as it is settled law that non-compoundable offences can also be compounded under Section 482 of the Code of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

6. Since both parties have affirmed the terms of the compromise in Matrimonial Settlement Deed dated 01.02.2017 and the Joint Memo, requesting to record the compromise and to quash the offences alleged against the petitioners, and as it is a matrimonial dispute falling within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh**¹, Criminal Petition M.P. No.1123 of 2017 is allowed recording the compromise between the parties in terms of the Matrimonial Settlement Deed and the Joint Memo, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in C.C. No.330 of 2016 on the file of XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar. The Matrimonial Settlement Deed, referred to above, shall form part of the record.

¹ 2012 (10) SCC 303

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

A. SHANKAR NARAYANA, J

February 20, 2017.
PV

