

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2182 AND 2181 OF 2017

IN/AND

CRIMINAL PETITION No.2236 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Code), is filed by the petitioners - accused Nos.1 to 5 viz., M. Chandrakanth Reddy, Smt. Shobha Reddy, Gennepally Rajendar Reddy, Gennepally Premchandra Reddy and Genepally Ranadhir Reddy, seeking to quash the proceedings in C.C. No.244 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, arising out of Crime No.400 of 2013 of Women Police Station, Central Crime Station, Hyderabad, for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860, and Sections 4 and 6 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.2182 of 2017 is filed under Section 320(2) of the Code and Criminal Petition M.P. No.2181 of 2017 is filed under Section 320(6) of the Code, by the *de facto* complainant Smt. Neeta Boddu, who is respondent No.2 in the Criminal Petition, along with her affidavit, Memorandum of Understanding dated 23.02.2017, which is filed in the material papers, and the Joint Memo dated 14.03.2017, signed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the

proceedings against the petitioners, stating that with the intervention of the elders and well-wishers, they have settled all the disputes and differences between them in terms of the Memorandum of Understanding referred to above.

3. Petitioner No.1 is husband of the *de facto* complainant, petitioner No.2 is mother of petitioner No.1 and petitioner Nos.3 to 5 are maternal uncles of petitioner No.1. Petitioner No.1 is represented by his General Power of Attorney Holder, who is his natural mother and petitioner No.2 herein, as he is residing in United States of America.

4. The *de facto* complainant, her counsel Sri K. Harish Kumar, petitioner Nos.2 to 5 and their counsel Sri K. Jagadishwar Reddy, are present and the parties are identified by their respective counsel. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. On being asked, the *de facto* complainant and the petitioners report that they have compromised the matter by settling all the disputes and differences between them in terms of the Memorandum of Understanding referred to above, and the *de facto* complainant affirms that she has already received Rs.10,00,000/- (Rupees ten lakhs only) from the petitioners towards settlement, and, thus, request to

record the compromise, compounding the offences against the petitioners, and, consequently to quash the proceedings.

6. Though, the offence punishable under Section 498-A and 406 of IPC are compoundable, since the offences punishable under Sections 4 and 6 of Dowry Prohibition Act are non-compoundable, the parties moved the present criminal petition 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.

7. Since both parties have affirmed the terms of the Memorandum of Understanding and the Joint Memo, referred to above, requesting to record the compromise, compound the offences and to quash the proceedings 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. Nos.2182 and 2181 of 2017 are allowed permitting the parties to enter into compromise and, accordingly, the compromise between the parties is recorded, compounding the offences alleged against the petitioner in terms of the Memorandum of Understanding and the Joint Memo, referred to above.

¹ 2012 (10) SCC 303

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners (accused Nos.1 to 5) in C.C. No.244 of 2014 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The Memorandum of Understanding and the Joint Memo, referred to above, shall form part of the record.

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

March 15, 2017.
PV

A. SHANKAR NARAYANA, J

