

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.433 & 434 OF 2017

IN/AND

CRIMINAL PETITION No.459 OF 2017

COMMON ORDER:

Criminal Petition No.459 of 2017, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 3 viz., B.Ravindranath, Pakiramma @ Padmaja and B.Surendranath, seeking to quash the proceedings against them in C.C.No.414 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. Criminal Petition M.P.No.433 of 2017 is filed by the 2nd respondent/*de facto* complainant, Smt. D.Sai Anusha, requesting to permit her to compromise with the accused.

3. Criminal Petition M.P.No.434 of 2017 is filed by the 2nd respondent/*de facto* complainant, requesting to permit her and the petitioners to compromise the matter compounding the offences, and consequently, to quash the proceedings against the accused in the aforesaid Calendar Case. Along with this M.P., the Joint Memo, dated 17.01.2017, signed and affirmed by both the parties, is filed.

4. The 2nd respondent/*de facto* complainant – Smt D.Sai Anusha and the petitioners-accused Nos.1 to 3 are present. They are identified by their respective counsel, Sri Mohammed Riyaz Pasha, learned counsel for the petitioners, and Sri Md. Sarwar, learned counsel for

the *de facto* complainant. The parties have 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 at the intervention of the elders and, to that effect, they have filed Joint Memo, dated 17.01.2017, and Memorandum of Understanding, dated 16.01.2017, entered into between them and request the Court to record the compromise compounding the offences against the petitioners and, consequently to quash the proceedings in the aforesaid Calendar Case. As per the terms of the Memorandum of Understanding, dated 16.01.2017, which is filed along with the material papers, the *de facto* complainant – wife is paid Rs.5,00,000/-, by way of Demand Drafts, today in the Court. She has already received Rs.5,00,000/- earlier by way of Demand Drafts. As per the terms contained in paragraph ‘4’ of the Memorandum of Understanding, the balance amount of Rs.3,00,000/- is to be paid by the husband-1st petitioner to the wife-*de facto* complainant while granting decree of divorce in M.A.T.No.2 of 2016 on the file of the I-Additional Senior Civil Judge, Bellary, Karnataka, when the same is decided.

6. Since both the parties have affirmed the terms of the Memorandum of Understanding, dated 16.01.2017, and the Joint Memo, dated 17.01.2017, and request to record the compromise compounding the offences against the accused 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 v. State of Punjab**¹, the parties are permitted to enter into compromise and compound the offences by allowing Criminal Petition M.P.Nos.433 & 434 of 2017.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the accused in C.C.No.414 of 2015 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The terms of the Memorandum of Understanding, dated 16.01.2017, and the Joint Memo, dated 17.01.2017, entered into by the parties, shall form part of the record.

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

April 26, 2017.
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A. SHANKAR NARAYANA, J

¹ 2012 (10) SCC 303