

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2107 & 2108 OF 2017

IN/AND

CRIMINAL PETITION No.2178 OF 2017

COMMON ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') by the petitioners 1 to 6 – accused Nos.1 & 3 to 7 seeking to quash the proceedings in Calendar Case No.541 of 2015 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498-A of I.P.C. and Sections 3 & 4 of Dowry Prohibition Act.

2. The 2nd respondent/*de facto* complainant and 2nd petitioner/accused No.3, who is also General Power of Attorney-holder of petitioners 1, 3 & 6 – accused Nos.1, 4 & 7; and petitioners 4 & 5 – accused Nos.5 & 6 are present. Sri Sk. Najeeb, learned counsel is also present. He would submit that the petitioners 1, 3 & 6 - accused Nos.1, 4 & 7 have been working in U.S.A. and Canada and that has been the reason they could not attend the Court. The petitioner is permitted since compromise sought to be effected relate to matrimonial dispute and falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

¹ 2012 (10) SCC 303

3. Criminal Petition M.P. No.2107 of 2017 is filed by the 2nd respondent/*de facto* complainant under Section 320 (6) of the Code requesting to grant permission to compound the offences punishable under Sections 498-A of I.P.C. and Sections 3 & 4 of Dowry Prohibition Act, and consequently to quash the proceedings in the aforesaid Calendar Case.

4. Criminal Petition M.P. No.2108 of 2017 is filed by the 2nd respondent/*de facto* complainant under Section 320 of the Code requesting to record compromise.

5. The 2nd respondent/*de facto* complainant and the 2nd petitioner/accused No.3, who is also General Power of Attorney-holder of petitioners 1, 3 & 6 - accused Nos.1, 4 & 7; and petitioners 4 & 5 – accused Nos.5 & 6 are identified by their respective Counsel, Sri Shakeel Ahmed and Sri Sk. Najeeb. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

6. Learned counsel for the petitioners would submit that the 1st petitioner/accused No.1 was available on 9.1.2017, when the Memorandum of Understanding is entered into by him with the 2nd respondent/*de facto* complainant. Photostat copy of which is filed in the material papers of criminal petition from pages 18 to 21. Memorandum of Understanding is to the effect that a total sum of Rs.20,00,000/- (Rupees Twenty lakhs only) to which the 1st petitioner/

accused No.1 agreed to give to the 2nd respondent/*de facto* complainant. A sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only), which is part of the amount, is paid today i.e., on 13.3.2017 through Demand Draft bearing Nos.986119 & 986120, dated 15.09.2016, revalidated on 24.1.2017, for Rs.10,00,000/- (Rupees Ten Lakhs only) and Rs.5,00,000/- (Rupees Five Lakhs only) respectively drawn on State Bank of Hyderabad, Jubilee Hills, Hyderabad, in favour of Syeda Kareema Sobia, the *de facto* complainant herein. The balance amount of Rs.5,00,000/- (Rupees Five Lakhs only), according to the parties, would be paid by tomorrow i.e., 14.3.2017, when Domestic Violence Matter is closed, which is DVC No.104 of 2015 on the file of IV-Metropolitan Magistrate, Erramanzil, Hyderabad.

6. Since both the parties have affirmed the terms of the Memorandum of Understanding and request to record the compromise as they did not reunite, but they want to lead peaceful life having resolved their differences and disputes, permission is granted for recording compromise in view of the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh** (1 supra), Criminal Petition M.P. Nos.2107 & 2108 of 2017 are allowed recording the compromise between the parties in terms of the Memorandum of Understanding and compounding the offences against the petitioners 1 to 6 – accused Nos.1 & 3 to 7.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners 1 to 6 – accused Nos.1 & 3 to 7 in Calendar Case No.541 of 2015 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad. Memorandum of Understanding entered into between the parties shall form part of the record.

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

Dt. 13.03.2017
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A. SHANKAR NARAYANA, J

