

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CRL.P.M.P.Nos.2731 & 2732 of 2017

IN/AND

CRIMINAL PETITION No.2765 of 2017

COMMON ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by the petitioners - accused seeking to quash the proceedings in C.C.No.188 of 2016 on the file of the XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

Petitioners alleged to have committed offences punishable under Sections 498-A, 406 IPC and Sections 4 & 6 of the Dowry Prohibition Act, 1961.

Criminal Petition M.P.Nos.2731 and 2732 of 2017 are filed by *de facto* complainant, who is respondent No.2 in the main petition, seeking permission of the Court to compound the aforesaid offence and to record the compromise, respectively.

Both parties and their learned counsel are present and the parties are identified by their respective learned counsel, Sri A. Ravi Shankar and Sri R. Venkata Ramana. The parties have also produced Photostat copies of their respective "Aadhaar Cards" in proof of their identity.

Perused the affidavit and the joint memo signed by both the parties and also the Memorandum of Understanding filed along with the main criminal petition. The petitioners and respondent No.2 - *de facto* complainant entered into compromise concerning the

aforesaid offences. The *de facto* complainant confirms the contents of the joint memo and states that she has received two demand drafts bearing Nos.451485 and 439546 dated 27.03.2017, drawn on State Bank of Hyderabad, Malakpet Branch, for a total sum of Rs.12 lakhs.

The terms of the joint memo would show that the minor child would be in the custody of the *de facto* complainant/mother and that the petitioners will not claim custody of the minor child at any time.

Since both parties have entered into compromise and affirmed the contents of affidavit filed by the *de facto* complainant, compromise is recorded as the dispute falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

In view of the above circumstances, Criminal Petition M.P. Nos.2731 and 2732 of 2017 are allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against the petitioners - accused in C.C.No.188 of 2016 on the file of the XIII Additional Chief Metropolitan Magistrate at Nampally, Hyderabad.

The affidavit filed by the *de facto* complainant 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 11, 2017
MRR

¹ (2012) 10 SCC 303