

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.1764 AND 1765 OF 2017

IN/AND

CRIMINAL PETITION No.1827 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 Nos.1 to 3 seeking to quash the proceedings against them in Calendar Case No.189 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498A, 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.1764 of 2017 is filed by the *de facto* complainant, who is respondent No.2 in the main petition, requesting to permit the parties to compromise the matter in the aforesaid Calendar Case.

3. Criminal Petition M.P. No.1765 of 2017 is also filed by her accompanied by her affidavit and the affidavit of accused No.2 and a joint memo signed by both the parties, requesting to record the compromise and quash the proceedings in the aforesaid Calendar Case.

4. Both parties as well as their learned counsel are present and the parties are identified by their respective learned counsel, Sri M.A. Naveed and Sri Syed Shakir Hussain. The parties have also

produced photostat copies of their respective “Aadhaar Cards” in proof of their identity.

5. On being asked the *de facto* complainant, she states that the matter has been settled between her and accused No.1 by way of Memorandum of Understanding dated 03.01.2017 and that she has no grievance of any kind against the petitioners - accused Nos.1 to 3 and even withdrew the maintenance case in M.C. No.389 of 2015 filed under Section 125 of the Code before the Additional Metropolitan Sessions Judge for trial of JHCBBC and Domestic Violence Case through Lok-adalat and Domestic Violence Case No.37 of 2016 also.

6. Perused the aforesaid memorandum of understanding, affidavits of *de facto* complainant and accused No.1 and the joint memo filed by both the parties.

7. Since both the parties have entered into compromise and affirmed the contents of affidavits and joint memo, compromise is recorded as it is a matrimonial dispute and falls within the guidelines laid down by the Hon’ble Supreme Court in **Gian Singh v. State of Punjab**¹.

8. In view of the above circumstances, Criminal Petition M.P. Nos.1764 and 1765 of 2017 are allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against the petitioners - Accused Nos.1 to 3 in Calendar Case No.189 of 2016

¹. (2012) 10 SCC 303

on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The joint memo filed by the parties 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

March 20, 2017.
Mgr

