

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2825 OF 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to grant pre-arrest bail to the petitioners/A.1 to A.4 apprehending their arrest in connection with Crime No.8 of 2017 of Charminar Police Station, Hyderabad City, registered for the offences punishable under Sections 406, 420, 506 and 12-B of the Indian Penal Code, 1860 (for short 'I.P.C.').

2) The *de facto* complainant, who is impleaded as 2nd respondent, filed a private complaint against petitioners/ A.1 to A.4 of whom petitioner No.2/ A.2 is his daughter-in-law and her marriage was performed with his son on 28.08.2013 and petitioner No.1/A.1 is her father. When differences arose between the 2nd petitioner and son of *de facto* complainant, the 2nd petitioner gave a report to Repalle Town Police, who registered a case in Crime No.30 of 2016 for the offences punishable under Sections 498-A, 307 r/w 34 IPC and Sections 3 & 4 of Dowry Prohibition Act. While the things stood thus, the petitioners/ A.1 to A.4 entered into compromise on 23.03.2016 and reduced the same into writing styled it as "Disputes Settlement Resolution" on a non-judicial stamp paper, where the parties agreed to settle the disputes amicably between them and on the advice of well wishers they agreed to drop the Criminal Case filed against Inampudi Sandeep, who is husband of petitioner No.2/ A.2 and his parents, which is pending for by obtaining divorce before the concerned Senior Civil Judge, and by exchanging the jewellery articles of both parties lying with them, lists of which are enclosed to the agreement. The first party in the compromise agreement

undertook to pay an amount of Rs.50,00,000/- towards life time maintenance, being part of Sridhana to the 2nd party, out of which Rs.15,00,000/- by way of Demand Draft at the time of dropping the Criminal Case in Crime No.30 of 2016 of Repalle Rural Police Station, before the High Court and balance of Rs.35,00,000/- by way of Demand Draft at the time of dissolving the marriage is to be handed over, meanwhile the said Demand Draft will be kept with the mediators.

3) In terms of compromise referred supra, on 03.06.2016 when the *de facto* complainant and his relatives were in the High Court premises, petitioner No.1/A.1 along with his advocate and A.3 and A.4 have approached the complainant and informed about filing of Criminal petition to quash the Crime No.30 of 2016 and asked to give DD. LW.2 handed over the DD to A.1 and took acknowledgement but A.2 did not appear and A.3 and A.4 left the Court. In spite of request of not to encash the DD till quashing of the case, they encashed the DD and did not turn up. Thus, the petitioners defraud the *de facto* complainant by receiving the DD for Rs.15,00,000/- and committed breach of dispute settlement resolution.

4) However, learned counsel for the petitioners represented that D.D for an amount of Rs.35,00,000/- was to be obtained and shall be kept with mediators and on account of failure of *de facto* complainant in keeping the D.D with mediators, the petitioners did not co-operate for completion of the transaction i.e., settlement before this Court in pending Criminal Petition and it is not a ground to take away the entire amount of Rs.15,00,000/- by DD and realised for their own purpose. For any reason when the *de facto* complainant—

implead petitioner did not comply the conditions, the petitioners would not have co-operated for the terms of settlement.

5) Therefore, such encashment of DD on insisting to deliver the same before the case is called shows that they have dishonest intention to induce the *de facto* complainant to hand over the DD of Rs.15,00,000/- *prima facie* and to encash the same.

6) Therefore I find *prima facie* material to conclude that the petitioners/ A.1 to A.4 have committed the offences punishable under Sections 406, 420, 506 and 12-B of I.P.C, thereby they are not entitled to claim any pre-arrest bail since it is purely within discretionary power of the Court and such discretion cannot be exercised in favour of a person, who committed such fraud *prima facie*.

7) In the result, the Criminal Petition is dismissed.

8) Consequently, miscellaneous applications pending if any, shall also stand dismissed.

M. SATYANARAYANA MURTHY, J

13.04.2017

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