

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2859 AND 2858 OF 2017

IN/AND

CRIMINAL PETITION No.2898 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Code), is filed by the petitioners - accused Nos.1 to 7 viz., Mohd. Abdul Kaleem alias Shakeel, Razia Sultana, Ishrath Sultana alias Ishrath, Masarath Unnisa alias Masarath, Farhath Unnisa alias Farhath, M.A. Jameel and M.A. Aqeel, respectively, seeking to quash the proceedings in C.C. No.806 of 2010 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad, arising out of First Information Report in Crime No.245 of 2005 of Women Police Station, South Zone, Hyderabad, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860, and Sections 4 and 6 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. Nos.2859 and 2858 of 2017, under Section 320 and Section 320(6) of the Code, are filed by the *de facto* complainant, Smt. Syeda Mariyam Fatima, who is respondent No.2 in the Criminal Petition, along with her affidavit and the Joint Memo signed by both parties and their respective counsel, requesting to permit the parties to compromise the matter by allowing to compound the offences alleged, and consequently to quash the proceedings against the petitioners, stating that they are living separately as herself

and petitioner No.1 took divorce and thereafter, she contracted second marriage, blessed with two children and leading a happy life with them and, now, with the intervention of the elders and well-wishers, they have settled all the disputes and differences between them in terms of the Joint Memo, referred to above.

3. Petitioner No.1 is husband of the *de facto* complainant and petitioner Nos.2 to 7 are mother, sisters and brothers of petitioner No.1

4. The *de facto* complainant, her counsel Mrs. M. Anitha, the petitioners and their counsel Sri Mohd. Abdul Kaleem alias Shakeel, are present and the parties are identified by their respective counsel. The parties have also 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 by settling all the disputes and differences between them with the intervention of the elders and well-wishers in terms of the Memorandum of Compromise, referred to above, and, thus, request to record the compromise, and, consequently to quash the proceedings.

6. Since the offence punishable under Section 498-A of IPC is compoundable and both parties have affirmed the terms of the Joint Memo, referred to above, requesting to record the compromise,

compound the offences alleged 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 Singh¹**, Criminal Petition M.P. Nos.2859 and 2858 are allowed permitting the parties to enter into compromise and, accordingly, the compromise between the parties is recorded, compounding the offences alleged against the petitioners in terms of the Joint Memo, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in C.C. No.806 of 2010 on the file of XV Additional Chief Metropolitan Magistrate, Hyderabad. The Joint Memo, referred to above, 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 7, 2017.
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