

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.3319 AND 3318 OF 2017

IN/AND

CRIMINAL PETITION No.3324 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 6 viz., Alluri Vamsi Krishna, Alluri Nagaraju Varma, Alluri Padmavathi, Alluri Satyanarayana Raju, Alluri Raghu Varma and Alluri Sravanthi, respectively, seeking to quash the proceedings in C.C. No.975 of 2016 on the file of Additional Judicial Magistrate of First Class, Narsapur, arising out of First Information Report in Crime No.107 of 2015 of Elamanchili Police Station, for the offences punishable under Sections 498-A, 420, 342 and 506(2) read with Section 34 of the Indian Penal Code, 1860 (IPC) and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. Nos.3319 and 3318 are filed by the respondent No.2 in the present Criminal Petition being the *de facto* complainant viz., Smt. Alluri Shruthi, along with her affidavit and Joint Compromise Memo, dated 12.04.2017, signed by both parties and their respective counsel, requesting to permit the parties to compromise the matter by allowing her to compound the offences alleged against the petitioners, and consequently to quash the

proceedings, stating that, with the intervention of the elders and well wishers, they have settled all the disputes and difference between them, in terms of the Joint Compromise Memo, referred supra. The parties have also averred that the couple has no children out of their wedlock, they were granted divorce by the order dated 20.07.2016 in H.M.O.P. No.66 of 2015 by the learned Senior Civil Judge, Narsapur, and they are living separately.

3. Petitioner Nos.1 to 4 and 6 are husband, parents-in-law, brother-in-law and sister-in-law, respectively, of the *de facto* complainant. Petitioner No.5 is brother of petitioner No.2. Petitioner No.6 is represented by her Special Power of Attorney, Alluri Raghu Varma, who is her father and petitioner No.2 herein.

4. The *de facto* complainant, her counsel, Sri Y. Upendra, the petitioners and their counsel, Sri Y. Raveendra Kumar, 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 state that with the intervention of the elders and well-wishers, they have compromised the matter between them outside the Court by settling all the disputes and differences between them in terms of the Joint Compromise Memo, referred supra, and that the couple has no children out of their wedlock, they obtained divorce and living

separately, and, thus, they request to record the compromise, compounding the offences alleged against the petitioners, and, consequently to quash the proceedings.

6. Though, the offence punishable under Section 498-A of IPC and other offences are compoundable, since the offences punishable under Sections 3 and 4 of the Dowry Prohibition Act, 1961, are non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings, as it is settled law that non-compoundable offences can also be compounded under Section 482 of the Code, as held in **Gian Singh v. State of Punjab**¹.

7. Since both parties have affirmed the contents of the Joint Compromise Memo, referred to supra, and request to record the compromise, compounding 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 Singh**¹, Criminal Petition M.P. Nos.3319 and 3318 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 Joint Compromise Memo, referred supra.

¹ 2012 (10) SCC 303

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in C.C. No.975 of 2016 on the file of Additional Judicial Magistrate of First Class, Narsapur.

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

A. SHANKAR NARAYANA, J

April 21, 2017.
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