

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL M.P. No.253 OF 2017
IN/AND
CRIMINAL PETITION No.228 OF 2017

COMMON ORDR:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 5, seeking to quash the proceedings against them in Calendar Case No.334 of 2016 on the file of the XIV Metropolitan Magistrate, Cyberabad at L.B.Nagar. The offences alleged against the petitioners by the *de facto* complainant, who is respondent No.1 herein, are punishable under Sections 498-A and 406 of the Indian Penal Code, 1860 (IPC) and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Since petitioner No.1, who is the husband of the *de facto* complainant, is residing abroad, he filed the present petition through his General Power of Attorney holder-Gattu Venu, who is petitioner No.4 – accused No.4. Petitioner Nos.2 to 5-accused No.2 to 5 and *de facto* complainant, viz., Gattu Praneetha are present and they are identified by their respective counsel. Both parties have produced photostat copies of their ‘Aadhaar Cards’ in proof of their identity.

3. Compromise Petition in Criminal M.P. No.253 of 2017 is filed by the *de facto* complainant under Section 320(1) of the Code of Criminal Procedure, 1973, along with her affidavit and the Joint Memo, dated 28.11.2016, signed by both parties requesting to permit

them to enter into compromise and to quash the proceedings in C.C.No.334 of 2016.

4. On being asked, the *de facto* complainant and the petitioners report that they have compromised the matter and to that effect they have also filed the Joint Memo entered into between the parties with certain terms and conditions signed and affirmed by both parties and the *de facto* complainant stated that she received an amount of Rs.2,50,000/- by way of Demand Draft bearing No.707371 and requested the Court to record the compromise and quash the proceedings against the petitioners.

5. Though, the offence punishable under Section 498-A of IPC is compoundable, since the offences punishable under Sections 4 and 6 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 of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

6. Since both the parties have affirmed the terms of compromise referred to above and request to record the compromise and to quash the impugned proceedings against the petitioners and in view of the law declared by the Hon'ble Supreme Court in **Gian Singh** (supra),

¹ 2012 (10) SCC 303

Criminal M.P. No.253 of 2017 is allowed recording the compromise between the parties.

7. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners in Calendar Case No.334 of 2016 on the file of the XIV Metropolitan Magistrate at L.B.Nagar, Ranga Reddy District. The Joint Memo between the parties shall form part of the record.

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

January 16, 2017.

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A. SHANKAR NARAYANA, J

