

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2222 & 2223 OF 2017

IN/AND

CRIMINAL PETITION No.2273 OF 2017

COMMON ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') by the petitioners 1 to 4 – accused Nos.1 to 4 seeking to quash the proceedings in Calendar Case No.55 of 2015 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498-A of I.P.C. and Sections 4 & 6 of Dowry Prohibition Act.

2. The 2nd respondent/*de facto* complainant and 1st petitioner/accused No.1, who is also General Power of Attorney-holder of petitioner No.4 – accused No.4; and petitioners 2 & 3 - accused Nos. 2 & 3 are present. Sri Parsa Ananth Nageswara Rao, learned counsel is also present. He would submit that the petitioner No.4/accused No.4 is presently residing in U.S.A. and that has been the reason she could not attend the Court. The petitioner is permitted since compromise sought to be effected relate to matrimonial dispute and falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

¹ 2012 (10) SCC 303

3. Criminal Petition M.P. No.2222 of 2017 is filed by the petitioners under Section 320 (6) of the Code requesting to grant permission to compound the offences punishable under Sections 498-A of I.P.C. and Sections 4 & 6 of Dowry Prohibition Act, and consequently to quash the proceedings in the aforesaid Calendar Case.

4. Criminal Petition M.P. No.2223 of 2017 is filed by the 2nd respondent/*de facto* complainant – Nama Tulasi - under Section 320 (2) of the Code requesting her to compound the offences with the petitioners 1 to 4 – accused Nos.1 to 4. This petition is also accompanied by the affidavit of the 2nd respondent / *de facto* complainant and joint memo duly signed and affirmed by both the parties and their respective counsel, requesting to permit the parties to compromise the matter compounding the offences, and consequently to quash the proceedings against the petitioners 1 to 4 – accused Nos.1 to 4 in the aforesaid Calendar Case.

5. The 2nd respondent/*de facto* complainant and the 1st petitioner/ accused No.1, who is also General Power of Attorney-holder of petitioner No.4 – accused No.4; and petitioners 2 & 3 – accused Nos.2 & 3 are present and identified by their respective Counsel, Smt. N. Lalitha and Sri Parsa Ananth Nageswara Rao. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

6. On being asked, the 2nd respondent/de facto complainant and 1st petitioner – accused No.1 would report that they have compromised the matter through the intervention of elders and well-wishers, and the 2nd respondent/de facto complainant and petitioner No.1/accused No.1 stated that they are living together, being advised, and that has been the reason she wanted to withdraw the complaint filed by her, and, therefore, the *de facto* complainant requests to allow the Criminal Petition for quashment.

7. Since both the parties have affirmed the terms of the Joint Memo and request to record the compromise compounding the offences against the petitioners 1 to 4 – accused Nos.1 to 4 and to quash the proceedings as it is a matrimonial dispute falling within the guidelines of the Hon'ble Supreme Court in **Gian Singh** (1 supra), Criminal Petition M.P. Nos.2222 & 2223 of 2017 are allowed recording the compromise between the parties in terms of the Joint Memo and compounding the offences against the petitioners 1 to 4 – accused Nos.1 to 4.

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners 1 to 4 – accused Nos.1 to 4 in Calendar Case No.55 of 2015 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad. Joint Memo entered into between 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

Dt. 17.03.2017
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