

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P.Nos.3083 & 3084 of 2017

IN/AND

CRIMINAL PETITION No.14749 OF 2016

COMMON ORDR:

Criminal Petition No.14749 of 2016 is filed by the petitioners – accused Nos.1 to 3, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C.No.463 of 2014 on the file of the II-Additional Judicial First Class Magistrate at Machilipatnam, Krishna District.

2. Criminal Petition M.P.No.3084 of 2017 is filed by the 2nd respondent/*de facto* complainant, Smt. Andaluri Kalyani, requesting to permit her to withdraw the non-compoundable offences i.e., Section 498-A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, alleged against the petitioners.

3. Criminal Petition M.P.No.3083 of 2017 is also filed by the 2nd respondent/*de facto* complainant, Smt. Andaluri Kalyani, stating that with the intervention of the elders and well-wishers, the matter has been compromised and, as such, requested to record compromise and consequently to quash the proceedings against the accused. The terms of compromise have been stated in the compromise petition and the Joint Memo, dated 12.04.2017, signed and affirmed by both the parties and their respective counsel, is also filed.

4. The *de facto* complainant, petitioner No.1-accused No.1, who is the husband of the *de facto* complainant, and petitioner No.2-accused

No.2, who is the mother of accused No.1, are present. Petitioner No.3-accused No.3 is not present. The parties are identified by their respective counsel, Sri K.Sai Mohan Rao, learned counsel for the petitioners, and Sri S.Balamohan, learned counsel for the *de facto* complainant, and they have produced Photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. Sri K.Sai Mohan Rao, learned counsel for the petitioners – accused Nos.1 to 3, would represent that petitioner No.3 is a married lady and she could not come from Vijayawada today, though, she has signed in the compromise petition. Be that as it may, the *de facto* complainant has come forward to record the compromise. In fact, in paragraph 4 of the compromise petition, it is mentioned that the amount was already settled towards permanent alimony by the Lok Adalath in Case No.178 of 2016 and the *de facto* complainant had already received the said amount towards full and final settlement.

6. On being asked, the 2nd respondent/*de facto* complainant and the petitioners report that with the intervention of the elders and well-wishers, they have compromised the matter and the terms of compromise are stated in the compromise petition, which is signed by both parties and their counsel. The parties also filed the Joint Memo, dated 12.04.2017, signed by them and their counsel.

7. Since both the parties have affirmed the terms of the compromise and request to record the compromise and to quash the proceedings, in view of the guidelines laid down by the Hon'ble

Supreme Court in **Gian Singh v. State of Punjab**¹, Criminal Petition M.P. Nos.3083 & 3084 of 2017 are allowed permitting the *de facto* complainant to withdraw the non-compoundable offences referred to above and recording the compromise between the parties in terms of the compromise entered into by them.

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the accused in C.C.No.463 of 2014 on the file of the II-Additional Judicial First Class Magistrate, Machilipatnam, Krishna District. The terms of compromise entered into by the parties, shall form part of the record.

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

April 26, 2017.

v v

A. SHANKAR NARAYANA, J

¹ 2012 (10) SCC 303