

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.2034 OF 2017

IN/AND

CRIMINAL PETITION No.17200 OF 2016

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Code), is filed by the petitioner - accused No.1 viz., Ravikanti Surender, seeking to quash the proceedings in C.C. No.133 of 2008 on the file of III Additional Judicial Magistrate of First Class, Warangal, arising out of First Information Report in Crime No.201 of 2006 of Inthezargunj Police Station, Warangal, for the offences punishable under Section 498-A of the Indian Penal Code, 1860, and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.2034 of 2017 is filed by the *de facto* complainant, Smt. Ravikanti Shailaja, who is respondent No.1 in the Criminal Petition, along with her affidavit and the Petition for Compromise / 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 petitioner, stating that with the intervention of the elders and well wishers, they have settled all the disputes and difference between them.

3. Petitioner herein is husband of the *de facto* complainant.

4. The *de facto* complainant, her counsel Sri Venkata Rao Ravulapalli, the petitioner and his counsel Sri A. Hari Prasad Reddy, 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 petitioner stating that they are living separately report 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 and, thus, request to record the compromise, and, consequently to quash the proceedings.

6. The material on record shows that the parties entered into a Memorandum of Compromise dated 15.04.2010 (copy of which is filed in material papers of the Criminal Petition) filed in O.P. No.129 of 2008, which was disposed of on 15.04.2010 by the learned Judge, Family Court, Hyderabad, dissolving the marriage between the parties by granting divorce; and also the Memorandum of Compromise dated 15.04.2010 (copy of which is also filed in the material papers) filed in O.P. No.996 of 2007, which was disposed of on 15.04.2010 by the learned Judge, Family Court, Hyderabad, disposing of the same in term of the said Memorandum of Compromise.

7. Though, the offence punishable under Section 498-A of IPC is 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 of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

8. Since both parties have affirmed the contents of the affidavit of the *de facto* complainant filed along with the Compromise Petition, and request to record the compromise, compounding the offences alleged and to quash the proceedings against the petitioner, 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. No.2034 of 2017 is allowed permitting the parties to enter into compromise and, accordingly, the compromise between the parties is recorded, compounding the offences alleged against the petitioner in terms of affidavit, referred to above, of the *de facto* complainant.

9. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in C.C. No.133 of 2008 on the file of III Additional Judicial Magistrate of First Class, Warangal.

¹ 2012 (10) SCC 303

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

A. SHANKAR NARAYANA, J

April 24, 2017.
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