

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.990 OF 2017

IN/AND

CRIMINAL PETITION No.1030 OF 2017

COMMON ORDR:

The present Criminal Petition is filed by accused Nos.1 and 2 viz., Aswin Adapa and Adapa Sita Ram, respectively, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C. No.2132 of 2014 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur, arising out of First Information Report No.772 of 2014 of Kukatpally Housing Board Police Station, Cyberabad, for the offences punishable under Sections 498-A of the Indian Penal Code, 1860, and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.990 of 2017 is filed by the *de facto* complainant Ms. A. Durga Prasanthi, who is respondent No.2 in the Criminal Petition, along with her affidavit and Joint Memo, dated 06.02.2017, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the proceedings against the petitioners stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise.

3. The *de facto* complainant and petitioner No.2, who is representing petitioner No.1 being his natural father as General Power of Attorney, as well as their counsel are present and the parties are identified by their respective counsel, Sri N. Siva Reddy and Sri Krishna Kishore Kovvuri. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant and petitioner No.2, who is representing petitioner No.1, being his father, by way of General Power of Attorney, report that petitioner No.1 is residing at United Kingdom and that they have compromised the matter with the intervention of the elders and petitioner No.1 and the *de facto* complainant are living separately settling all the differences between them in terms of the compromise and to that effect they have also filed the Joint Memo, dated 06.02.2017, entered into between them and request the Court to record the compromise compounding the offences against the petitioners, and, consequently to quash the proceedings. According to the learned counsel, an amount of Rs.10,00,000/- (Rupees ten lakhs only) has to be given to the *de facto* complainant by way of demand draft and now the same is handed-over to her through the Demand Draft bearing No.610310, dated 27.01.2017, of State Bank of India, Hydernagar Branch, and that the *de facto* complainant states that earlier she received Rs.5,00,000/- (Rupees five lakhs only) when Domestic Violence Case in DVC

No.49 of 2014 and Rs.25,00,000/- (Rupees twenty five lakhs only) when divorce petition in O.P. No.1222 of 2015 on the file of Judge, Additional Family Court, Miyapur, were disposed of and that she has no grievance against the petitioners and requests 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 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.

6. Since both parties have affirmed the terms of the Joint Memo dated 06.02.2017 and request to record the compromise compounding the offences against the petitioners 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 v. State of Punjab**², Criminal Petition M.P. No.990 of 2017 is allowed recording the compromise between the parties in terms of the Joint Memo, dated 06.02.2017.

¹ 2012 (10) SCC 303

² 2012 (10) SCC 303

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in C.C. No.2132 of 2014 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur. The Joint Memo dated 06.02.2017 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.

February 13, 2017.
PV

A. SHANKAR NARAYANA, J

