

**HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA**

**CRIMINAL PETITION M.P. No.2781 OF 2017**

**IN/AND**

**CRIMINAL PETITION No.2619 OF 2017**

**AND**

**CRIMINAL PETITION M.P. No.2782 OF 2017**

**IN/AND**

**CRIMINAL PETITION No.2650 OF 2017**

**COMMON ORDER:**

Criminal Petition No.2619 of 2017 is filed by the petitioners - accused Nos.1, 2, 3 & 5, and Criminal Petition No.2650 of 2017 is filed by accused No.4, respectively under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in P.R.C. No.33 of 2016 and P.R.C. No.3 of 2017 respectively, on the file of I-Additional Judicial Magistrate of First Class, Kadapa, for the offences punishable under Sections 498-A, 323, 307, 506, 353 of IPC read with Section 34 of I.P.C. and Sections 3 & 4 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.2781 of 2017 in Criminal Petition No.2619 of 2017 and Criminal Petition M.P. No.2782 of 2017 in Criminal Petition No.2650 of 2017 are filed by the petitioners along with affidavit of Bathala Swarna Latha, who is respondent No.2 in both the Criminal Petitions being the *de facto* complainant along with her affidavit, Joint Memo signed and affirmed by both parties, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the proceedings against the accused stating that with the intervention of the elders,

they settled the matter between them, outside Court, in terms of the compromise.

3. The *de facto* complainant, accused No.1, 2, 3 & 5 in Criminal Petition No.2619 of 2017 and accused No.4 in Criminal Petition No.2650 of 2017, as well as their counsel are present and the parties are identified by their respective counsel, Sri M. Jaya Ram Reddy and Sri V.R. Reddy Kovvuri. The parties have 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, accused No.1, 2, 3 & 5 in Criminal Petition No.2619 of 2017 and accused No.4 in Criminal Petition No.2650 of 2017, report that they have compromised the matter through the intervention of the elders. The *de facto* complainant and accused No.1 affirm that they are living together and to that effect they have also filed Joint Memo entered into by them and request the Court to record the compromise compounding the offences against accused No.1, 2, 3 & 5 in Criminal Petition No.2619 of 2017 and accused No.4 in Criminal Petition No.2650 of 2017 respectively, and, consequently to quash the proceedings.

5. Since both parties have affirmed the terms of the Joint Memo and request to record the compromise compounding the offences against all the accused and to quash the proceedings, the offence under Section 307 of IPC alleged by the *de facto* complainant, who is no other than the wife of accused No.1, but both of them would

affirm that they are living together with a baby child, who is also brought to the Court and in view of the same, instead of refusing to compromise, keeping in view their amicable living as a family, it can be viewed that the dispute falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**<sup>1</sup>, and, therefore, the parties are permitted to enter into compromise by allowing Criminal Petition M.P. No.2781 of 2017 in Criminal Petition No.2619 of 2017 and Criminal Petition M.P. No.2782 of 2017 in Criminal Petition No.2650 of 2017.

6. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the accused No.1, 2, 3 & 5 in Criminal Petition No.2619 of 2017 and accused No.4 in Criminal Petition No.2650 of 2017, respectively, in P.R.C. No.33 of 2016 and P.R.C. No.3 of 2017 respectively, on the file of I-Additional Judicial Magistrate of First Class, Kadapa. The Joint Memo entered into by the parties shall form part of the record.

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

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A. SHANKAR NARAYANA, J

Dt. 06.04.2017

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<sup>1</sup> 2012 (10) SCC 303