

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1253 OF 2017

IN/AND

CRIMINAL PETITION No.1295 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 6 viz., Mohammed Ilyas Khan, Mohammed Murtuza Khan, Mrs. Wasia Begum, Mohammed Mustufa Khan, Mohammed Aijaz Khan and Nazima Tabassum, respectively, seeking to quash the proceedings in C.C. No.349 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, arising out of First Information Report No.567 of 2015 of Women Police Station, Central Crime Station, Hyderabad, for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860, and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.1253 of 2017 is filed by the *de facto* complainant, Smt. Tabbassum Begum, who is respondent No.2 in the Criminal Petition, along with her affidavit and Joint Memo, dated 09.02.2017, signed and affirmed by both parties and their respective counsel, and also a photostat copy of the settlement deed, which is captioned as '*Khula* Divorce - cum - Settlement Deed', dated 08.02.2017, between herself and petitioner No.1, filed along

with material papers in the criminal petition, 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 settlement deed.

3. The *de facto* complainant and the petitioners as well as their learned counsel are present and the parties are identified by their respective learned counsel, Sri Syed Ahmed Ali and Ms. Mahmooda Begum. 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 the petitioners report that they have compromised the matter with the intervention of the elders, and petitioner No.1 and the *de facto* complainant are living separately by settling all the disputes and differences between them in terms of the settlement deed and to that effect they have also filed the Joint Memo dated 09.02.2017 and ‘Khula Divorce - cum - Settlement Deed’ dated 08.02.2017, which shows that on 08.02.2017, petitioner No.1 terminated his marital tie with the *de facto* complainant by pronouncing “Talaq-e-Bain”, and request the Court to record the compromise compounding the offences against the petitioners, and, consequently to quash the proceedings.

5. Though, the offence punishable under Section 498-A of IPC is compoundable, since the offences punishable under Sections 4 and 6 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 09.02.2017 and 'Khula Divorce - cum - Settlement Deed' dated 08.02.2017, requesting to record the compromise compounding the offences 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**¹, Criminal Petition M.P. No.1253 of 2017 is allowed recording the compromise between the parties in terms of the Joint Memo and the settlement deed, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in C.C. No.349 of 2016 on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad. The Joint Memo and the *Khula Divorce - cum - Settlement Deed*, referred to above, shall form part of the record.

¹ 2012 (10) SCC 303

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

A. SHANKAR NARAYANA, J

February 13, 2017.
PV

