

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2072 AND 2071 OF 2017

IN/AND

CRIMINAL PETITION No.2140 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Code), is filed by the petitioner - accused viz., Kathi Venkateswarlu, seeking to quash the proceedings in S.C. No.244 of 2016 on the file of Assistant Sessions Judge, Nandigama, arising out of First Information Report No.184 of 2016 of Chillakallu Police Station, Jaggaiahpet, for the offences punishable under Sections 498-A and 307 of the Indian Penal Code, 1860.

2. Criminal Petition M.P. No.2072 of 2017 under Section 482 of the Code and Criminal Petition M.P. No.2071 of 2017 under Section 320(6) of the Code, are filed by the *de facto* complainant, Smt. Kathi Sumathi, who is respondent No.2 in the Criminal Petition, along with her affidavit, filed in the material papers of the Criminal Petition, and the Joint Memo, signed 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 petitioner, stating that considering the relationship with the petitioner and welfare of their children, she is not inclined to prosecute the petitioner. Petitioner is husband of the *de facto* complainant.

3. The *de facto* complainant, her counsel Sri A. Sharath Chandra, the petitioner, and his counsel Sri P. Nagendra 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.

4. On being asked, the *de facto* complainant and the petitioner report that they have compromised the matter by settling all the disputes and differences between them considering their relationship and welfare of their children, and request to record the compromise compounding the offences against the petitioner, and, consequently to quash the proceedings.

5. Though, the offence punishable under Section 498-A of IPC is compoundable, since the offence punishable under Section 307 IPC is 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 requesting to record the compromise, compound the offences 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. Nos.2072 and 2071 of 2017 are allowed permitting the parties to enter into compromise and, accordingly, recording the compromise and compounding the offences alleged against the petitioner in terms of the Joint Memo, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in S.C. No.244 of 2016 on the file of Assistant Sessions Judge, Nandigama. The Joint Memo, referred to above, shall form part of the record.

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

March 15, 2017.
PV

A. SHANKAR NARAYANA, J

¹ 2012 (10) SCC 303