

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1987, 1988 & 1989 OF 2017

IN/AND

CRIMINAL PETITION No.4640 OF 2014

COMMON ORDR:

The present Criminal Petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by the accused Nos.1 to 3 seeking to quash the proceedings against them in C.C. No.744 of 2010 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 498-A I.P.C. and Sections 4 & 6 of Dowry Prohibition Act.

2. Criminal Petition M.P. No.1987 of 2017 is filed by the 2nd petitioner/accused No.2, representing the 1st petitioner/accused No.1, who is none other than the father of the accused No.1, on the ground that 1st petitioner/accused No.1 is staying abroad i.e., in Saudi Arabia. Photostat copy of Declaration-cum-Authorization is also filed and the Original Declaration-cum-Authorization is shown. Sri Mohd. Muzafeerullah Khan, learned counsel is also present. He would submit that the 1st petitioner – accused No.1 is staying in Saudi Arabia, and that has been the reason he could not attend the Court today and, therefore, seeks permission since compromise sought to be effected relate to matrimonial dispute and falls within the guidelines

laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

3. Criminal Petition M.P. No.1988 of 2017 is filed by respondent No.2 being the *de facto* complainant under Section 320 (2) of the Code to permit the petitioner to compound the offences, and consequently to quash the proceedings against the accused in C.C. No.744 of 2010 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad.

4. Criminal M.P. No.1989 of 2017 is filed by respondent No.2 being the *de facto* complainant under Section 320 (2) of the Code along with affidavit of *de facto* complainant Smt. Ruksana Fatima, Joint Memo signed and affirmed by both the 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 accused stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise.

5. The 2nd respondent/*de facto* complainant and petitioners 2 & 3 – accused Nos.2 & 3 are present, whereas 2nd petitioner/accused No.2, representing the 1st petitioner/accused No.1, who is none other than the father of the accused No.1, through Declaration-cum-Authorization, as well as their counsel are present and the parties are

¹ 2012 (10) SCC 303

identified by their respective counsel, Smt. Rayeesa Fatima and Mohd. Muzaferullah Khan. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

6. On being asked, the *de facto* complainant stated that she has no grievance of any kind against any of them and report that they have compromised the matter through the intervention of the elders between them in terms of the compromise and to that effect they have also filed Joint Memo and, therefore, they request the Court to record the compromise as per the terms in the joint memo filed by compounding the offences against accused Nos.1 to 3, and, consequently to quash the proceedings.

6. Since both the parties have affirmed the terms of the Joint Memo and request to record the compromise and compound the offences against all the accused and to quash the proceedings and as it is a matrimonial dispute falling within the guidelines laid down by the Hon’ble Supreme Court in **Gian Singh** (supra), Criminal Petition M.P. Nos.1987, 1988 & 1989 of 2017 are allowed recording the compromise between the parties in terms of the Joint Memo and compounding the offences against all the accused.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against all the accused in C.C. No.744 of 2010 on the file of XIII-Additional Chief Metropolitan

Magistrate, Hyderabad. The Joint Memo 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.

A. SHANKAR NARAYANA, J

Dt. 09.03.2017
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