

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.3067, 3258 & 3259 OF 2017

IN/AND

CRIMINAL PETITION No.3098 OF 2017

COMMON ORDER:

Criminal Petition No.3098 of 2017 is filed by the petitioners – accused Nos.1 to 7 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C. No.234 of 2012 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Section 498-A, 323 & 506 of IPC read with Section 34 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.3259 of 2017 is filed by Mohammed Abdul Saleem, who is the accused No.3 in the aforesaid Calendar Case, seeking permission to permit him to act as General Power of Attorney, being natural father of the petitioners 4 to 6 - accused Nos.4 to 6 in the aforesaid Calendar Case, namely, Mrs. Nazia Naaz, Mr. Mohammed Abdul Javeed and Mrs. Kaneez Fatima respectively, vide General Power of Attorney, dated 20.10.2016, executed by the petitioners 4 to 6 - accused Nos.4 to 6 in favour of Mohammed Abdul Saleem (accused No.3).

3. Criminal Petition M.P. No.3258 of 2017 is filed by the 2nd respondent/de facto complainant Mrs. Nikhat Sultana, under Section 320 (6) of Cr.P.C. requesting to permit her to record the compromise.

3. Criminal Petition M.P. No.3067 of 2017 is filed by the 2nd respondent/*de facto* complainant - Mrs. Nikhat Sultana, along with her affidavit, Joint Memo signed and affirmed by both the parties. They request to permit them to compromise the offences and to compound the offences, and consequently to quash the proceedings against the accused Nos.1 to 7 in C.C. No.234 of 2012 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the Marital Settlement Agreement dated 4.4.2017, and as per the terms indicated at (e) of Marital Settlement Agreement a sum of Rs.2,25,000/- has been received by the 2nd respondent/*de facto* complainant through two Demand Drafts dated 30.03.2016 (revalidated) of Rs.1,00,000/- each drawn on Central Bank of India, Nampally Branch, Hyderabad, and a sum of Rs.25,000/- in cash.

3. The 2nd respondent/*de facto* complainant - Mrs. Nikhat Sultana, accused Nos.1 to 3 and Mohd. Abdul Saleem (accused No.3), being natural father and General Power of Attorney on behalf of accused Nos.4 to 6, accused No.7, as well as their counsel are present and the parties are identified by their respective counsel, M/s. Mohd. Mubeen and Sri Mirza Nisar Ahmed Baig Nizami. 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 2nd respondent/ *de facto* complainant; accused Nos.1 to 3, and Mohd. Abdul Saleem (accused No.3), being natural father and General Power of Attorney on behalf of accused Nos.4 to 6, accused No.7 report that that they have compromised the matter at the intervention of the elders and to that effect they have also filed Joint Memo, dated 10.04.2017; Marital Settlement Agreement dated 4.4.2017 entered into by them and request the Court to record the compromise compounding the offences against all the accused, and, consequently to quash the proceedings.

5. Since both the parties have affirmed the terms of the Joint Memo dated 10.04.2017; Marital Settlement Agreement dated 4.4.2017, and request to record the compromise compounding 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 v. State of Punjab**¹ the parties are permitted to enter into compromise by allowing Criminal Petition M.P. Nos.3067, 3258 & 3259 of 2017 are allowed.

6. Accordingly, the Criminal Petitions is allowed, at the admission stage itself, quashing the proceedings against the accused Nos.1 to 7 in C.C. No.234 of 2012 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad. The General Power of Attorney, dated 20.10.2016, executed by the petitioners 4 to 6 - accused Nos.4 to 6 in favour of Mohammed Abdul Saleem (accused

¹ 2012 (10) SCC 303

No.3); Marital Settlement Agreement dated 4.4.2017 and Joint Memo, dated 10.04.2017 shall form part of the record.

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

A. SHANKAR NARAYANA, J

Dt. 20.04.2017
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