

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Crl.P.MP.Nos.1861, 1862 AND 1863 OF 2017

IN/AND

CRIMINAL PETITION No.1953 OF 2017

COMMON ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code'), is filed by the petitioners – accused Nos.1 to 4 in P.R.C.No.32 of 2016 on the file of Additional Judicial Magistrate of First Class, Vizianagaram, requesting to quash the proceedings in the said P.R.C.

2. Crl.P.M.P.Nos.1861, 1862 and 1863 of 2017, along with the affidavit of *de facto* complainant and the Joint Memo signed by both parties, are filed by respondent No.1 – *de facto* complainant, under Section 320 of the Code, requesting to compound the offences and to record compromise, and quash the present proceedings against the petitioners.

3. Smt. A. Chayadevi, learned counsel for the petitioners, would submit that the learned Senior Civil Judge, Nandigama, by order, dated 20.01.2017, in H.M.O.P.No.89 of 2016, granted divorce, under Section 13B of the Hindu Marriage Act, 1955, which was on mutual consent.

4. Respondent No.1 - *de facto* complainant would submit that at the intervention of elders, she and the petitioner No.1 have decided to live separately and she has no grievance against any of the petitioners

and, therefore, requests to permit her to enter into compromise with the petitioners for the offences punishable under Sections 498A, 323 and 506 I.P.C., Sections 3 and 4 of Dowry Prohibition Act and Section 3 (i) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, in connection with P.R.C.No.32 of 2016 on the file of Additional Judicial Magistrate of First Class, Vizianagaram, and allow the Criminal Petition. She also affirms the contents mentioned in the Joint Memo.

5. Both the parties are present and they are identified by their respective counsel. The parties have also produced photostat copies of their respective "Aadhaar Cards" in proof of their identity.

6. It is stated that an amount of Rs.12,00,000/- has been deposited in the joint account of mother of the *de fact* complainant i.e., Smt. Vemuri Mari Jones, and one A. Ranganayakulu, bearing Account No.35837565 in State Bank of India, Jaggaiahpet Branch, and the said amount would be withdrawn by tomorrow, on compromise being recorded and the quash petition being allowed.

7. The petitioners are arraigned as accused Nos.1 to 4. The dispute between the parties is a matrimonial dispute giving rise to various other disputes. The present case falls within the guidelines laid

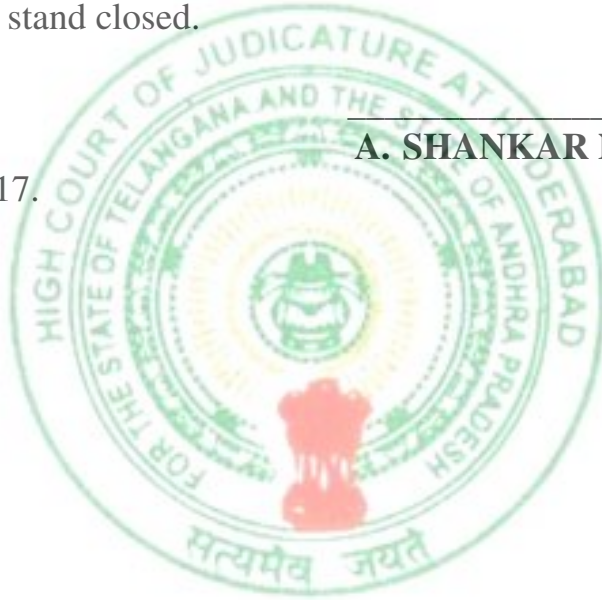
down by the Honourable Supreme Court in **Gian Singh v. State of Punjab**¹.

8. Hence, Crl.P.M.P.Nos.1861, 1862 and 1863 of 2017 are allowed. Consequently, the Criminal Petition is also allowed quashing the proceedings in P.R.C.No.32 of 2016 on the file Additional Judicial Magistrate of First Class, Vizianagaram.

9. Miscellaneous Petitions, if any, pending in this Criminal Petition, shall stand closed.

A. SHANKAR NARAYANA, J

March 06, 2017.
MD



¹ 2012 (10) SCC 303