

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.120 AND 119 OF 2017

IN/AND

CRIMINAL PETITION No.102 OF 2017

COMMON ORDR:

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 6 seeking to quash the proceedings against them in Calendar Case No.322 of 2016 on the file of the Chief Metropolitan Magistrate at Nampally, Hyderabad, registered for the offences punishable under Sections 420, 471, 380, 341, 506 and 120B read with 34 IPC.

2. Criminal M.P. No.120 of 2017 is filed by respondent No.1 - Smt. Rehana Begum, wife of petitioner No.1, being the *de facto* complainant, under Section 320 (2) of the Code accompanied by a joint memo signed by both the parties, seeking to permit her to compromise the matter.

3. Criminal M.P. No.119 of 2017 is filed by respondent No.1 under section 320 (6) of the Code signed by both the parties, seeking to permit her to compound the case in the aforesaid Calendar Case.

4. Both parties except accused No.4 as well as their counsel are present and the parties are identified by their respective learned

counsel, Sri Khaled Bin Sayeed and Mohd. Muzaferullah Khan. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity.

5. As far as petitioner No.4 - accused No.4 is concerned, the learned counsel has shown the original certificate for identification of Beneficiary under Aarogyasri Scheme issued by the District Collector, Hyderabad District and yet another requisition for two extra dialysis for free of cost made to the Managing Director, Princess Esra Hospital (Owaisi Group of Hospital), Shah-ali-banda, Hyderabad, and according to the learned counsel, actually, she attended the Court in Ambulance on the last date of hearing and could not attend today. Be that as it may, as many as five accused persons are present and accused No.4 is no other than the mother of petitioner No.1 - accused No.1, incidentally, mother-in-law of *de facto* complainant, her presence can be dispensed with.

6. Perused the affidavit and the joint memo signed by both the parties. The petitioners and respondent No.2 - *de facto* complainant entered into compromise concerning the aforesaid offences.

7. Since both the parties have affirmed the contents of joint memo, the compromise is recorded as it is a matrimonial dispute and falls within the guidelines laid down by the Hon’ble Supreme Court in **Gian Singh v. State of Punjab**¹.

¹. (2012) 10 SCC 303

8. In view of the above circumstances, Criminal Petition M.P. Nos.120 and 119 of 2017 are allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against the petitioners - Accused Nos.1 to 6 in Calendar Case No.322 of 2016 on the file of the Chief Metropolitan Magistrate at Nampally, Hyderabad. The joint memo filed by the parties shall form part of the record.

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

February 10, 2017.
Mgr

A. SHANKAR NARAYANA, J

