

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.2821 OF 2017

IN/AND

CRIMINAL PETITION No.2867 OF 2017

AND

CRIMINAL PETITION M.P. No.2823 OF 2017

IN/AND

CRIMINAL PETITION No.2868 OF 2017

COMMON ORDER:

Criminal Petition No.2867 of 2017 is filed by the petitioners – accused Nos.1 to 6 and Criminal Petition No.2868 of 2017 is filed by the petitioners – accused Nos.1 to 3, respectively, under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C. No.278 of 2013 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Section 498-A & 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961; and C.C.No.334 of 2013 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961, respectively.

2. Criminal Petition M.P. No.2821 of 2017 in Criminal Petition No.2867 of 2017 and Criminal Petition M.P. No.2823 of 2017 in Criminal Petition No.2868 of 2017 are filed by Mohammed Khaja, General Power of Attorney-holder of the 2nd respondent/*de facto* complainant - Irfana Ayeshqa @ Nishat, along with affidavit on behalf of the 2nd respondent/*de facto* complainant in

both the Criminal Petitions, 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 6 in C.C. No.278 of 2013 and accused Nos.1 to 3 in C.C. No.334 of 2013 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 compromise.

3. Mohammed Khaja, General Power of Attorney-holder of 2nd respondent/*de facto* complainant (Irfana Ayesha @ Nishat), accused No.1 (Syed Musthaq Ali Hashmi) is represented by his brother as General Power of Attorney Holder – Mr. Syed Muheeb Hashmi in both criminal petitions, accused Nos. 2 & 6 in Criminal Petition No.2867 of 2017 and accused No.2 & 3 in Criminal Petition No.2868 of 2017, as well as their counsel are present and the parties are identified by their respective counsel, Sri Mohd. Vaseeuddin and Sri Mirza Suleman Baig. 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, Mohd. Khaja, the General Power of Attorney-holder of 2nd respondent/ *de facto* complainant; Syed Muheeb Hashmi General Power of Attorney-holder of accused No.1 – Syed Mushtaq Ali Hashmi; accused Nos.2 to 6 in Criminal Petition No.2867 of 2017 and accused Nos.2 & 3 in Criminal Petition No.2868

of 2017, report that they have compromised the matter at the intervention of the elders and to that effect they have also filed Joint Memo 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 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. No.2821 of 2017 in Criminal Petition No.2867 of 2017 and Criminal Petition M.P. No.2823 of 2017 in Criminal Petition No.2868 of 2017 are allowed.

6. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the accused Nos.1 to 6 in C.C. No.278 of 2013 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Section 498-A & 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961; and accused Nos.1 to 3 in C.C.No.334 of 2013 on the file of XV-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961. The

¹ 2012 (10) SCC 303

Joint Memo entered into by the parties and the General Power of Attorney, dated 20.09.2016 executed by the *de facto* complainant and General Power of Attorney, dated 12.1.2017 executed by accused No.1 shall form part of the record.

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

A. SHANKAR NARAYANA, J

Dt. 06.04.2017
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