

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2778 & 2779 OF 2017

IN/AND

CRIMINAL PETITION No.2821 OF 2017

COMMON ORDER:

Criminal Petition No.2821 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 First Information Report in Crime No.539 of 2016 on the file of WPS, CCS, D.D. at Hyderabad, pending on the file of XIII-Additional Chief Metropolitan Magistrate Hyderabad for the offences punishable under Sections 498-A, 406 of IPC and Sections 4 & 6 of Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.2778 of 2017 is filed by the *de facto* complainant, Smt. Mizna Fatima, under Section 320 (6) of Cr.P.C. to permit her to enter into compromise with the petitioners - accused Nos.1 to 7 in the aforesaid crime.

3. Criminal Petition M.P. No.2779 of 2017 is filed by the *de facto* complainant, Smt. Mizna Fatima, under Section 320 (2) of Cr.P.C. along with her affidavit, Joint Memo signed and affirmed by both the parties, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the proceedings against all the accused stating that with the intervention of the elders and well-wishers the matter has been amicably settled and to that effect a Matrimonial Settlement Deed was executed on 16.3.2017.

3. The *de facto* complainant, accused Nos.1 to 7, as well as their counsel are present and the parties are identified by their respective counsel, Sri Mohammed Rahail Ahmed and Sri Shakeel Ahmed. 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, 2nd respondent/*de facto* complainant in the Criminal Petition would affirm that she has already received two Demand drafts bearing Nos.001066 & 001067 for Rs.2 lakhs each, dated 16.3.2017 drawn on HDFC Bank, Champapet, Hyderabad in favour of Mizna Fatima. In fact, the mother and brothers of the *de facto* complainant are available.

5. Since both 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, Criminal Petition M.P. Nos.2778 and 2779 of 2017 are allowed recording the compromise between the parties in terms of the Joint Memo and compounding the offences against all the accused.

6. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against all the accused in Crime No.539 of 2016 on the file of WPS, CCS, D.D. at

¹ 2012 (10) SCC 303

Hyderabad, pending on the file of XIII-Additional Chief Metropolitan Magistrate Hyderabad. The Joint Memo entered into between the parties and the Matrimonial Settlement Deed dated 16.3.2017, 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. 06.04.2017
gbs

