

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.1903 & 1904 of 2017

IN/AND

CRIMINAL PETITION No.2014 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 4 seeking to quash the proceedings in C.C. No.235 of 2016 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad for the offences punishable under Sections 498-A & 506 of I.P.C..

2. Criminal Petition M.P. No.1903 of 2017 is filed by General Power of Attorney-holder representing the petitioners 1 and 2 – accused Nos.1 & 2. Sri Janakiram Myla, learned counsel is also present. He would submit that the petitioners 1 & 2 - accused Nos. 1 & 2 have been working in U.A.E. and that has been the reason they could not attend the Court today and, therefore, seeks permission since compromise sought to be effected relate to matrimonial dispute and falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

3. The 2nd respondent/*de facto* complainant and General Power of Attorney-holder of petitioners 1 & 2 is present. The *de facto* complainant, Smt. Shiala Anjum is identified by her learned counsel,

¹ 2012 (10) SCC 303

Sri Mohammed Suleman, whereas the petitioners 3 & 4 and General Power of Attorney-holder, Mr. Mohammed Ishaq for petitioners 1 & 2 is identified by their learned counsel, Sri Janakiram Myla, The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

4. Criminal Petition M.P. No.1904 of 2017 is filed by the de facto complainant, Smt. Shaila Anjum, under Section 482 of the Code to record the compromise as per the terms indicated in joint memo annexed to this petition.

5. The General Power of Attorney-holder for the petitioners 1 & 2 - accused Nos.1 & 2 and the petitioners 3 & 4 - accused Nos.3 & 4 signed in the said joint memo and even the 2nd respondent/*de facto* complainant, Smt. Shaila Anjum, signed and affirmed by both the parties and their respective counsel, requesting to permit the parties to compromise the matter, and to compound the offences, and consequently to quash the proceedings against the accused stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise.

4. On being asked, the *de facto* complainant stated that she has no grievance of any kind against any of them and report that they have compromised the matter through the intervention of the elders between them in terms of the compromise and to that effect they have also filed Joint Memo and, therefore, they request the Court to record

the compromise as per the terms in the joint memo by compounding the offences against accused Nos.1 to 4, 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** (supra), Criminal Petition M.P. Nos.1903 & 1904 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 C.C. No.235 of 2016 on the file of XIII-Additional Chief Metropolitan Magistrate, Hyderabad. The Joint Memo entered into between the parties shall form part of the record.

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

A. SHANKAR NARAYANA, J

Dt. 08.03.2017
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