

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.3627 OF 2017

IN/AND

CRIMINAL PETITION No.3580 OF 2017

COMMON ORDER:

Criminal Petition No.3580 of 2017 is filed by the petitioners 1 to 4 /accused Nos.1 to 4 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the First Information Report in Crime No.89 of 2014 of Woman Police Station, Nellore, pending on the file of V-Additional Judicial Magistrate, Nellore, SPSR Nellore District, for the offences punishable under Section 498-A of IPC read with Section 34 of IPC.

2. Criminal Petition M.P. No.3627 of 2017 is filed by the 2nd respondent/*de facto* complainant, Smt. P. Ashwini, under Section 320 (2) of Cr.P.C. along with her affidavit, Joint Memo dated 27.4.2017 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 4 in Crime No.89 of 2014 of Woman Police Station, Nellore, pending on the file of V-Additional Judicial Magistrate, Nellore, SPSR Nellore District, stating that with the intervention of the elders, they settled the matter amicably between them, outside the Court, as per the Memorandum of Understanding & Settlement, dated 3.4.2017.

3. The 2nd respondent/*de facto* complainant - Smt. P. Ashwini, accused Nos.2 to 4, accused No.2 – Sri Ponugupati Bhadraiah, who is General Power of Attorney holder of his son – Ponugupati Sai Sudeer (accused No.1) vide Special Power of Attorney, dated 7.12.2016, as well as counsel are present and the parties are identified by their respective counsel, Sri S.V.S. Prasada Rao and Sri K.R. Koteswara Rao. 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, the 2nd respondent/*de facto* complainant - Smt. P. Ashwini, accused Nos.2 to 4, accused No.2 – Sri Ponugupati Bhadraiah, who is General Power of Attorney holder of his son – Ponugupati Sai Sudeer (accused No.1) vide Special Power of Attorney, dated 7.12.2016, report that that they have compromised the matter at the intervention of the elders and to that effect they have also filed Joint Memo, dated 27.4.2017 and Memorandum of Understanding & Settlement, dated 3.4.2017 entered into by the parties, and request the Court to record the compromise compounding the offences against the accused Nos.1 to 4, and, consequently to quash the proceedings.

5. Since both the parties have affirmed the terms of the Joint Memo, dated 27.4.2017 and Memorandum of Understanding & Settlement, dated 3.4.2017 entered into by the parties, and request to record the compromise compounding the offences against the accused

Nos.1 to 4 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.3627 of 2017.

6. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the accused Nos.1 to 4 in Crime No.89 of 2014 of Woman Police Station, Nellore, pending on the file of V-Additional Judicial Magistrate, Nellore, SPSR Nellore District. The Joint Memo, dated 27.4.2017; Memorandum of Understanding & Settlement, dated 3.4.2017 entered into by the parties, and Special Power of Attorney, dated 7.12.2016 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. 28.04.2017
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¹ 2012 (10) SCC 303