

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.884 AND 885 OF 2017

IN/AND

CRIMINAL PETITION No.898 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 5 viz., Shaik Ibrahim patel, Zubair Shah, Mohd. Shabbir, Sana Begum and Wajid Ahmed Khan, respectively, seeking to quash the proceedings in F.I.R. No.405 of 2016 of Chaderghat Police Station, Hyderabad, for the offences punishable under Sections 498-A and 406 of the Indian Penal Code, 1860, and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.884 of 2017 under Section 320(6) of Cr.P.C. and Criminal Petition M.P. No.885 of 2017 under Section 320(7) of Cr.P.C., are filed by the *de facto* complainant, Smt. Farha Tabassum, who is respondent No.2 in the Criminal Petition, along with her affidavit and Joint Memo, dated 09.02.2017, signed and affirmed by both 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 petitioners, stating in her affidavit that with the intervention of the elders, she joined matrimonial company of her husband as his legally

wedded wife by settling all the disputes and differences between them.

3. The *de facto* complainant, her counsel Sri Mohd. Ismail Khan, all the petitioners and their counsel Mohammed Abdul Wahab are present and the parties are identified by their respective counsel. 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. On being asked, the *de facto* complainant and the petitioners report that they have compromised the matter with the intervention of the elders, and that petitioner No.1 and the *de facto* complainant are living together as legally wedded couple by settling all the disputes and differences between them and request to record the compromise compounding the offences against the petitioners, and, consequently to quash the proceedings.

5. Though, the offence punishable under Section 498-A of IPC is compoundable, since the offences punishable under Sections 4 and 6 of the Dowry Prohibition Act, 1961, are non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings as it is settled law that non-compoundable offences can also be compounded under Section 482 of the Code of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

¹ 2012 (10) SCC 303

6. Since both parties have affirmed the terms of the Joint Memo and the affidavits of the *de facto* complainant and petitioner No.1 requesting to record the compromise compounding the offences and to quash the proceedings against the petitioners, and as it is a matrimonial dispute falling within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh¹**, Criminal Petition M.P. Nos.884 and 885 of 2017 are allowed permitting the parties to enter into compromise and accordingly recording the same and compounding the offences alleged against the petitioners in terms of the Joint Memo and the affidavit of the *de facto* complainant, referred to above.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioners in F.I.R. No.405 of 2016 of Chaderghat Police Station, Hyderabad. The sworn affidavit of the *de facto* complainant, referred to above, 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

March 15, 2017.
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