

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos1329 OF 2017

IN/AND

CRIMINAL PETITION No.1356 OF 2017

COMMON ORDER:

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 against them in Calendar Case No.342 of 2016 on the file of the Judicial Magistrate of First Class, Nagarkurnool, for the offences punishable under Section 498A read with 109 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. Criminal Petition M.P. No.1329 of 2017 is filed by the *de facto* complainant, who is respondent No.2 in the main criminal petition, along with her affidavit duly signed and a joint memo signed by both the parties, requesting to permit her to record the compromise and quash the aforesaid Calendar Case.

3. All the petitioners in the main Criminal Petition and respondent No.2, as well as their respective learned counsel are present and the parties are identified by their respective learned counsel, Sri J. Govardhan Reddy and Sri K. Pradeep Reddy. The parties have also produced photostat copies of their respective "Aadhaar Cards" in proof of their identity.

4. Perused the affidavit and the joint memo signed by both the parties. In paragraph no.5 of the joint memo, the petitioners – accused Nos.1 to 4 have agreed that a sum of Rs.1,00,000/- (Rupees one lakh) be paid to the *de facto* complainant towards permanent alimony and marriage expenses on the date of mutually obtaining divorce before Qazi as per their rites and customs, which the *de facto* complainant admits.

5. Since both the parties have entered into compromise and affirmed the contents of joint memo, the compromise is recorded in terms of compromise as it is a matrimonial dispute and falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

6. Therefore, Criminal Petition M.P. No.1329 of 2017 is allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against the petitioners - Accused Nos.1 to 4 in Calendar Case No.342 of 2016 on the file of the Judicial Magistrate of First Class, Nagarkurnool. The joint memo 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

February 15, 2017.
Mgr

¹. (2012) 10 SCC 303