

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.2161 AND 2162 OF 2017

IN/AND

CRIMINAL PETITION No.2215 OF 2017

AND

CRIMINAL PETITION M.P. Nos.2032 AND 2033 OF 2017

IN/AND

CRIMINAL PETITION No.6329 OF 2015

COMMON ORDER:

Criminal Petition No.2215 of 2017 is filed under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), by the petitioner - accused No.1 viz., Budime Saranga Pani, requesting to quash the proceedings against him in C.C. No.78 of 2015 on the file of III Metropolitan Magistrate, Cyberabad at L.B. Nagar, arising out of Crime No.764 of 2014 of Uppal Police Station, Cyberabad Commissionerate.

2. Criminal Petition No.6329 of 2015 is filed under Section 482 of Cr.P.C., by accused Nos.2 to 6 in the aforesaid C.C., requesting to quash the proceedings against them.

3. Accused No.1 is husband of the *de facto* complainant Smt. Sujatha Shigiri, who is respondent No.2 in both the criminal petitions, accused Nos.2 and 3 are parents of accused No.1, accused Nos.4 and 6 are brothers of accused No.1 and accused No.5 is wife accused No.4.

4. All the petitioners i.e., accused Nos.1 to 6 alleged to have committed the offences punishable under Section 498-A of Indian Penal Code, 1860 (IPC), and Sections 3 and 4 of Dowry Prohibition Act, 1961.

5. Criminal Petition M.P. Nos.2161 of 2017 and 2162 of 2017 in the former Criminal Petition and Criminal Petition M.P. Nos.2032 and 2033 of 2017 in the latter Criminal Petition, are filed under Sections 320(6) and 320(2) of Cr.P.C., respectively, by the *de facto* complainant, along with her affidavits and separate Joint Memos, requesting to permit her to compound the offences with the accused and to record the compromise and consequently to quash the proceedings against all the accused as they settled the disputes and differences between them with the intervention of the family elders and well wishers agreeing to take divorce with consent by filing a mutual consent divorce petition for dissolution of the marriage in terms of the compromise and received part amount of Rs.2,00,000/- out of Rs.3,50,000/- agreed to be received towards permanent alimony.

6. The *de facto* complainant, her counsel Sri M. Goutham Kumar, accused No.1, his counsel Sri M. Saleem, and, accused Nos.2 to 6, and their counsel Sri Nageshwar Rao pujari, 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.

7. On being asked, the *de facto* complainant and accused Nos.1 to accused No.1 and accused No.3, who is representing accused Nos.2, 4 and 5, report that they have compromised the matter through the intervention of the elders and that accused No.1 and the *de facto* complainant are living separately by settling all the disputes and differences between them in terms of the compromise and to that effect they have also filed separate Joint Memos entered into between them and request the Court to permit them to compound the offences and to record the compromise compounding the offences against all the and consequently to quash the proceedings against them. The *de facto* complainant also affirms that she received Rs.2,00,000/- in terms of the compromise on 02.03.2017 and agreed to receive the balance amount of Rs.1,50,000/- on the date of obtaining decree of divorce with mutual consent.

8. Since both the parties have affirmed the terms of the respective Joint Memos 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.2161, 2162, 2032 and

¹ 2012 (10) SCC 303

2033 of 2017 are allowed recording the compromise between the parties in terms of the Joint Memos and compounding the offences against all the accused.

9. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against accused Nos.1 to 6 (petitioners herein) in C.C. No.78 of 2015 on the file of III Metropolitan Magistrate, Cyberabad at L.B. Nagar. The Joint Memos referred to above shall form part of the record.

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

March 15, 2017.

PV

A. SHANKAR NARAYANA

