

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO.1002 OF 2018

ORDER:

This petition is filed by the petitioner-A.1 under Section 482 Cr.P.C. seeking to quash the proceedings in C.C.No.608 of 2014 on the file of the Judicial Magistrate of First Class, Nandyal, Kurnool district registered for the offences punishable under Sections 498A, 323 and 506 IPC, and 3 and 4 of the Dowry Prohibition Act, 1961.

2. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner would submit that the parties compromised the matter outside the court under a Memorandum of Understanding (MoU) dated 16.5.2017 in O.P. No.279 of 2013 on the file of the Family Court, Kurnool filed seeking divorce, and the original is available in the said case; that inspite of the compromise, respondent No.2-defacto complainant is pursuing the proceedings in the aforesaid C.C. and that in view of the compromise, continuation of the impugned proceedings is nothing but abuse of process of Court, and ultimately, prays to allow the Criminal Petition.

4. On the other hand, the learned Assistant Public Prosecutor opposed the grant of relief sought in the Criminal Petition.

5. In the circumstances and basing on the material placed on record, this Court cannot hold that the original of MoU filed before the Family Court, Kurnool in the proceedings in O.P. No.279 of 2013 is genuine and

respondent No.2-defacto complainant voluntarily agreed for the compromise. If the petitioner-A.1 intends to take the settlement made outside the Court as defence in the aforesaid C.C., he can do so by filing appropriate copy of the said document. As there are allegations constituting a *prima facie* case for the offences alleged, continuation of the impugned proceedings cannot be said to be abuse of process of Court. The Criminal Petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed. Miscellaneous Petitions pending, if any, in this Criminal Petition shall stand closed.

DATED: 31.01.2018.
DRK

DR.SHAMEEM AKTHER, J



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