

THE HONORABLE SRI JUSTICE M. SATYANARAYANA MURTHY

CrI.P.No.1745 of 2018

ORDER

This petition under Section 482 of Cr.P.C., is filed to quash the proceedings in C.C.No.69 of 2016 pending on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri, Hyderabad, registered for the offence under Section 498-A IPC and under Sections 3 and 4 of Dowry Prohibition Act, against petitioners/A1 to A7.

2. The first respondent lodged a report with the police making serious allegations against petitioners for subjecting her to cruelty for her failure to meet the illegal demand for additional dowry. The first petitioner is her husband and other petitioners are the relatives of her husband. Based on the complaint in Cr.No.338 of 2013, the Sub-Inspector of Police, Neredmet Police Station, took up investigation, examined 8 witnesses under Section 161 Cr.P.C., and after collection of entire evidence, he filed charge sheet against the accused for the offences referred above.

3. The main contention of petitioners before this Court is that the first petitioner/A1 and the first respondent/de-facto complainant have filed O.P.No.992 of 2016 on the file of XVI Additional District and Sessions Judge's Court-cum-XVI Additional Metropolitan Sessions Judge's Court-cum-III Additional Family Court, Ranga Reddy District,

Malkajgiri, under Section 13-B of Hindu Marriage Act, for dissolution of marriage by granting a decree of divorce by mutual consent in view of the compromise entered into by them and A1 has paid substantial amount of Rs.1,25,000/- as permanent alimony to the first respondent besides other terms and that she also agreed to withdraw all cases pending before the Courts including the present case. Their further contention is that even as per paragraph No.3 of the examination-in-chief of the first respondent, they have obtained the decree of divorce by mutual consent. But, the first respondent resiled from the promise made by her and did not withdraw the present case and therefore, continuation of further proceedings is an abuse of process of the Court and requested to quash the proceedings against them.

4. During hearing, learned counsel for petitioners, while reiterating the contentions, has drawn the attention of this Court to the judgment of the Apex Court in **Ruchi Agarwal v. Amit Kumar Agrawal and others** in Crl.A.No.1274 of 2004, where an identical issue came up for consideration and held that when the parties entered into compromise and failed to withdraw the pending cases despite receiving the amount agreed between the parties, continuation of proceedings is nothing but an abuse of process of process of the Court. The principle laid down in the said judgment is squarely applicable to the present facts of the case and applying the

same, I find that it is a fit case to quash the proceedings against the petitioners.

5. In the result, the Criminal Petition is allowed quashing the proceedings in C.C.No.69 of 2016 pending on the file of X Metropolitan Magistrate, Cyberabad at Malkajgiri, Hyderabad, against petitioners/A1 to A7. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

21st August, 2018

sj

