

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 6434 OF 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in C.C.No. 190 of 2015 on the file of the Court of learned II Additional Junior Civil Judge – cum – XIX Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad (for short, 'the Court below'), registered for the offences punishable under Section 498-A of IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. The present petition is filed contending that the petitioners entered into compromise with respondent No. 2 by executing two Memorandum of Understandings; that the formers complied with the terms and conditions contained in the MOUs and that therefore continuation of proceedings even after the terms of compromise are complied with is nothing but an abuse of process of the Court. In support of his contention, learned counsel for the petitioners has placed reliance on ***Ruchi Agarwal Vs. Amit Kumar Agrawal and others***¹.

3. Learned counsel for respondent No. 2 has opposed the petition on the ground that the terms of compromise are not yet complied with.

4. As seen from the material on record, it is evident that in terms of the MOU dated 08-11-2014 entered into between the petitioners and respondent No. 2, respondent No. 2 received an amount of Rs.5,50,000/- by way of demand draft bearing No. 010730 dated 08-11-2014 towards full and final settlement and future maintenance and receipt of the same was acknowledged by her and that in terms of the MOU dated 04-12-2016, the formers paid an amount of

¹ (2005) 3SCC 299

Rs.2,50,000/- to the latter *vide* demand draft bearing No. 500633 dated 01-12-2016 for withdrawing the above C.C. and the latter issued a receipt to the above extent. Therefore, the petitioners complied with the terms and conditions of the two MOUs and nothing left to be complied with by them. In the judgment relied upon by learned counsel for the petitioners, a similar question came up before the Apex Court for consideration and the Apex Court held that when the parties entered into compromise and complied with the terms and conditions contained therein, continuation of criminal proceedings is nothing but an abuse of process of the Court. The principle laid down in the above judgment squarely applies to the facts of the present case.

5. Applying the principle laid down in the above judgment, the proceedings against the petitioners in C.C.No. 190 of 2015 on the file of the Court below are liable to be quashed and are accordingly quashed.

6. The criminal petition is allowed. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

Date: 27-06-2018.

JSK

M.SATYANARAYANA MURTHY, J.