

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.9879 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C by the petitioner/ A1, seeking to quash the proceedings in C.C.No.349 of 2014 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, which is outcome of Crime No.554 of 2013 of WPS CCS, DD, Hyderabad, registered for the offences punishable under Sections 498-A and 406 IPC and Sections 4 and 6 of the Dowry Prohibition Act.

The petitioner is A1 among three accused in the above Crime, registered on the report of the 1st respondent/ de facto complainant, no other than wife of the petitioner herein. Besides the criminal case covered by the crime supra from the police investigation filed charge sheet that was taken cognizance for the offences supra before the XIII Additional Chief Metropolitan Magistrate, Hyderabad. There is another matrimonial dispute between the parties covered by O.P.No.961 of 2011 on the file of the Judge, Family Court, Hyderabad and there was settlement subsequently covered by Memorandum of Undertaking, dated 11.08.2017 duly notarized, executed between A1 and the de facto complainant and also attested by two witnesses including father of the de facto complainant as a first witness and clause (3) sub-clause

(c) speaks that Smt.Talla Priyanka W/ o T.Ravikanth Goud(now referred in the private complaint as daughter of Madugula Srinivas Goud) agreed to receive the above said items and agreed to withdraw all cases pending before the City Criminal Court, High Court of A.P. and AT passport office under Passport Act and not to file any further cases against the in-laws i.e., Anand Raj Goud and Rajeshwari. It also referred about the acceptance of the order in O.P.No.961 of 2011 as per clause (d). Clause (a) speaks that she received Rs.10,00,000/- through demand draft bearing Nos.505916 and 041795 dated 09.08.2017 for Rs.5,00,000/- each in the name of the de facto complainant drawn on ICICI bank and HDFC bank respectively.

Even notice sent to the 1st respondent/de facto complainant in the quash petition in seeking to quash the proceedings of non-withdrawal of the case, despite the compromise arrived and undertaken given and continuation of proceedings as abuse of process, the same is returned as 'unclaimed'.

The facts of the instant case are squarely covered by the expression of the Apex Court in Ruchi Agarwal v. Amit Kumar Agrawal¹.

¹ 2005(3) SCC 299

Having regard to the above, the Criminal Petition is allowed, quashing the proceedings in C.C.No.349 of 2014 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad. The bail bond of the petitioner/ A1 herein shall stand cancelled. It is made clear that if at all there is any grievance of the de facto complainant as to the memorandum of undertaking is not acted upon, liberty is given to her within one month from today, if at all to seek for restoration of the proceedings to decide on further facts if any.

Miscellaneous petitions pending if any, shall stand closed.

Date: 06.11.2018
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Dr. B. SIVA SANKARA RAO, J

