

THE HON'BLE SRI JUSTICE N.BALAYOGI

Criminal Petition No.14907 of 2013 and
Criminal Petition No.976 of 2018

COMMON ORDER :

Criminal Petition No.14907 of 2013 under Section 482 of Cr.P.C. is filed by petitioners/A3 to A5 and Criminal Petition No.976 of 2018 under Section 482 of Cr.P.C. is filed by petitioners/A1 and A2 to quash the proceedings in C.C. No.148 of 2013 on the file of the V Additional Judicial Magistrate of First Class, Nellore. In both criminal petitions Venkata Lakshmi Kalyani is the de facto-complainant.

2. During the pendency of these criminal petitions, in the F.C.A. No.209 of 2016 pending before the Division Bench consisting of the Hon'ble Sri Justice C.V.Nagarjuna Reddy and the Hon'ble Sri Justice Gudiseva Shyam Prasad, the de facto-complainant and her husband/A1, who is appellant in F.C.A.No.209 of 2016 filed I.A. No.1 of 2018 to convert FCOP No.347 of 2012 and F.C.A. No.209 of 2016 as those filed under Section 13-B of the Hindu Marriage Act, 1955, for passing a decree of dissolution of marriage on mutual consent. They have also filed a compromise memo before the said Bench. In terms of clause (a) of the compromise memo, A1 obtained the D.D. bearing No.362854, dated 25.1.2018 for a sum of Rs.8,00,000/- drawn on SBI, Gudur Branch payable at Nellore in the name of the de facto-complainant.

3. The Division Bench by order dated 2.2.2018 in I.A. No.1 of 2018 in/& F.C.A.No.209 of 2016 observed that as CrI.P.Nos.14907 of 2013 and 976 of 2018 and CrI.R.C.No.1708 of 2017 have been pending before this Court, the appeal is disposed of, with the consent of both the parties and, with the direction that the aforementioned Demand Draft be deposited with the Registrar (Judicial) and on the respondent producing the proof of withdrawal/quashing of the two criminal cases and the criminal revision case pertaining to maintenance against the petitioner, along with the proof of the copies thereof being served on the petitioner in advance, the Registrar (Judicial), after notice to the Counsel for both the parties and on being satisfied that both the Criminal Cases and the Criminal Revision Case are closed, shall hand over the Demand Draft to the respondent by passing an office order. I.A. No.1 of 2018 is allowed, the compromise memo annexed thereto is taken on record and a decree dissolving the marriage between the parties by mutual consent is passed subject to the terms of memo of compromise.

4. On 19.2.2018 petitioners/A3 to A5 in CrI.P.No.14907 of 2013 were present, therefore, their presence was dispensed with and the CrI.P.No.976 of 2018 was directed to be posted along with the CrI.P.No.14907 of 2013 on 5.3.2018. On 5.3.2018 at the request of either side, the matter was directed to be posted to this day. Today, the de facto-complainant Venkata Lakshmi Kalyani and Hari Krishna-A1 and Dhanunjaya-A2 are present.

5. In terms of the compromise recorded in the common order in I.A. No.1 of 2018 in/& F.C.A.No.209 of 2016, dated 2.2.2018, the proceedings in C.C. No.148 of 2013 on the file of the V Additional Judicial Magistrate of First Class, Nellore, are hereby quashed.

6. Accordingly, both Criminal Petitions i.e., CrI.P. No.14907 of 2013 and CrI.P. No.976 of 2018 are allowed.

7. Consequently, miscellaneous petitions pending in both criminal petitions, if any, shall stand closed.

JUSTICE N.BALAYOGI

6th March, 2018

Note : Issue C.C. by 7.3.2018.

B/O
skmr

