HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

I.A. Nos.1 AND 2 OF 2018
IN/AND
CRIMINAL PETITION No.11030 OF 2018

COMMON ORDER:

The main Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioners - accused Nos.1 to 3, to quash the proceedings against them in Calendar Case No.534 of 2017, pending on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, Telangana State, registered for the offences punishable under Sections 498-A, 406 and 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 and 6 of the Dowry Prohibition Act, 1961.

2. The petitioners herein are accused Nos.1 to 3 in the aforesaid Calendar Case, and respondent No.2 is the *de facto* complainant. Both parties entered into compromise and filed I.A. No.1 of 2018 under Section 320 (6) of the Code to permit them to enter into compromise and I.A. No.2 of 2018 under Section 320 (2) of the Code to compound the offences and record the compromise.

3. The petitioners - accused Nso.1 to 3 and respondent No.2 - *de facto* complainant are present and they are identified by their respective counsel and produced Photostat copies of Aadhar Cards in proof of their identity. When the terms and conditions of compromise are explained in vernacular language, they admitted to be true and correct.

4. On enquiry, the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they intend to lead peaceful life. Further, petitioner No.1- accused No.1 has agreed to pay maintenance at the rate of Rs.50,000/- per month on or before 5th of every month during life time of *de facto* complainant as there is no possibility to live together and that the compromise is in the interests of both parties and the same is voluntary.

5. The offence punishable under Section 498-A IPC though not compoundable, it can be compounded with the permission of the Court, whereas, the other offences punishable under Sections 406 and 506 IPC are compoundable offences.

6. As the offence committed by the petitioners is not against the society and the compromise is voluntary, I find that it is a fit case to grant permission to compound the offences. Hence, leave is granted to compound the offences by recording compromise in terms of joint memo filed along with the petition.

7. Accordingly, I.A. Nos.1 and 2 of 2018 are allowed. Consequently, the present Criminal Petition is also allowed quashing the proceedings against accused Nos.1 to 3 in Calendar Case No.534 of 2017, pending on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, Telangana State.

8. Registry is directed to annex a copy of the joint memo filed by both parties, to this order.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 12, 2018
Mgr

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते