

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.11395 of 2018

ORDER:

The petitioners are A1 to A3 in C.C.No.97 of 2013 on the file of the learned Judicial First Class Magistrate, Manuguru, Khammam District, taken cognizance for the offences punishable under Section 498-A IPC and Sections 3 & 4 of the Dowry Prohibition Act, which is outcome of Crime No.43 of 2013 of Manuguru Police Station, Khammam District, on the report of respondent No.2-*de facto* complainant no other than the wife of A1.

2. A perusal of the record shows in support of the quash petition that there was an agreement for Talaq between A1 and *de facto* complainant dated 10.11.2016 at Paloncha before Government Quazi and Khula Certificate. The report of *de facto* complainant was dated 22.02.2013 and Khula certificate dated 19.05.2017 consequent to report also filed, that too Khula certificate obtained on 10.11.2016 before Khazi. The Divorce certificate No.54 issued by the Khazi establishes the same from the translation as per the compromise terms 2 & 3. There is an undertaking to withdraw all the pending criminal case, maintenance case and domestic violence case and he has to pay Rs.6.00 lacs in full and final settlement of all claims and paid to her Rs.6.00 lacs by cheque bearing No.106192 drawn on Axis Bank from his account given on 10.11.2016. His statement of account of Axis Bank shows the cheque was encashed by the *de facto* complainant on

15.11.2016 and withdrew the amount. Once the matter is compromised, the continuation of crime proceedings is nothing but abuse of process as laid down in similar facts by the Apex Court in **Ruchi Agarwal v. Amit Kumar Agarwal**¹.

3. Having regard to the above, this Criminal Petition is allowed and the proceedings in C.C.No.97 of 2013 on the file of the learned Judicial First Class Magistrate, Manuguru, Khammam District, are hereby quashed. The bail bonds of the petitioners, if any, stand cancelled. The petitioners undertook to withdraw the report given and crime registered against the *de facto* complainant for cheating for not coming forward to the terms. In view of this order quashing the proceedings in C.C.No.97 of 2013, consequently that crime is also quashed by virtue of the submission for the police to close the same by virtue of this order.

Miscellaneous petitions pending, if any, shall stand closed.

27.11.2018
MVA

Dr. B. SIVA SANKARA RAO, J

¹ 2005 (1) ALT CrL SC 101