

**HONOURABLE JUSTICE G. SRI DEVI**

**CRIMINAL PETITION No. 642 of 2019**

**ORDER:**

- 1) The petitioner, who is A-1, in P.R.C.No.84 of 2018 on the file of the X Metropolitan Magistrate, Rachakonda at Malkajgiri, filed this Criminal Petition under Section 482 Cr.P.C. to quash the proceedings in the said P.R.C. A charge sheet came to be filed against the petitioner/A-1 and others for the offences punishable under Sections 498-A, 307, 406, 420 and 506 read with Section 34 of I.P.C. and Sections 4 and 6 of the Dowry Prohibition Act, 1961.
- 2) The brief facts of the case are that the 2<sup>nd</sup> respondent herein is the wife of the petitioner. The marriage of the 2<sup>nd</sup> respondent with the petitioner/A-1 was performed on 22.02.2015. At the time of marriage, the parents of the 2<sup>nd</sup> respondent gave Rs.10.00 lakhs cash, 2 K.Gs. worth gold ornaments, 5 sovereigns of gold ring and Rs.2.00 Lakhs silver ornaments, as per the demand to the petitioner/A-1 and his parents. Subsequently, disputes arose between the petitioner/A-1 and the 2<sup>nd</sup> respondent/complainant, which led to filing of the above case.
- 3) Learned Counsel for the petitioner would submit that the marriage between the petitioner and the 2<sup>nd</sup> respondent was dissolved and divorce was granted vide order, dated 26.10.2016, passed in H.M.O.P.No.67 of 2016 on the file of the Sub Court,

Tirumangalam Camp, Tamilnadu State. The said order was passed on merits as the 2<sup>nd</sup> respondent/complainant filed counter before the said Court stating that she has received all jewellery, household articles and also the belongings which were presented by her parents at the time of marriage and she has no objection for grant of divorce. The learned Counsel further submits that initially crime was registered against the petitioner and his family members, who are shown as A.1 to A.5. At the crime stage, the proceedings against the family members of the petitioner/A1 were quashed by this Court, vide order, dated 17.11.2017, passed in CrI.P.No.8173 of 2017.

4) After receiving the notice, the 2<sup>nd</sup> respondent/complainant filed counter-affidavit stating that at the intervention of elders from both sides, they have sorted out their issues amicably and further she has decided to put an end to their matrimonial tie. It is also stated that the matter was compromised and she has decided to withdraw all the cases filed against the petitioner/A-1. It is further stated that since the petitioner/A-1 is residing in Germany, she will not insist upon his personal presence before this Court and she will not dispute his identity in future at any point of time. It is also stated that she has no objection in quashing the proceedings against the petitioner/A-1. The 2<sup>nd</sup> respondent/complainant has also filed an affidavit to that effect.

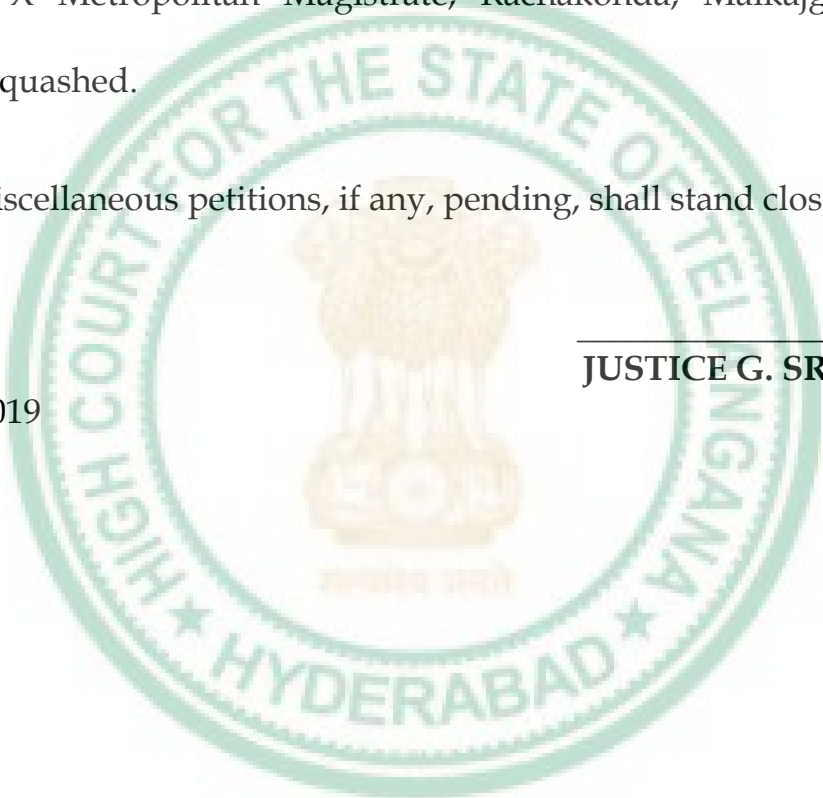
5) In view of the compromise between the parties and no objection given by the 2<sup>nd</sup> respondent/complainant/wife, even if the

proceedings are allowed to continue, the 2<sup>nd</sup> respondent may not support the case of the prosecution and no useful purpose would be served in allowing the proceedings go on. Hence, I am of the opinion that continuation of proceedings against the petitioner/A1 would be an abuse of process of law.

6) Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner in P.R.C.No.84 of 2018 on the file of the X Metropolitan Magistrate, Rachakonda, Malkajgiri, are hereby quashed.

7) Miscellaneous petitions, if any, pending, shall stand closed.

27.12.2019  
gkv

  
JUSTICE G. SRI DEVI

