

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 2589 of 2019

ORDER:

1) The petitioner, who is complainant in C.C.No.405 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, filed this Criminal Petition under Section 482 Cr.P.C. seeking permission to compound the offences against accused in CrI.A.No.1292 of 2018 on the file of the VII Additional Metropolitan Sessions Judge, Hyderabad at Nampally, as the matter was settled out of the Court.

2) The petitioner herein lodged a complaint against the accused, basing on the same, the Police, Falaknuma, registered a case in Crime No.269 of 2019 for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act. After completing the investigation, police filed charge sheet, which was taken cognizance as C.C.No. 405 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate (Mahila Court), Hyderabad. By its judgment dated 14.12.2018, the learned Magistrate, convicted the accused for the offences under Sections 498-A IPC and Sections 4 and 6 of the Dowry Prohibition Act. The accused were sentenced to undergo rigorous imprisonment for a period of two years each and to pay fine of Rs.1,000/- each in default to suffer simple imprisonment for one month each for the offence under Section 498-A IPC, to undergo simple imprisonment for a period of six months each and to pay fine of Rs.1,000/- each in default to undergo simple imprisonment for one month each for the offence under Section 4 of the Dowry Prohibition Act and further sentenced to undergo simple imprisonment for a period of six months each for the offence under Section 6 of the Dowry Prohibition Act. Challenging the said conviction and sentence, the accused preferred

CrI.A.No.1292 of 2018 and the same is pending before the VII Additional Metropolitan Sessions Judge, Hyderabad.

3) During pendency of the appeal, at the intervention of elders and well wishers, the parties have settled their disputes in terms of the compromise. Hence, the petitioner/complainant filed the present Criminal Petition. Along with the petition a joint memo signed by both the parties and the Memorandum of Understanding are filed.

4) Today, the petitioner represented by her G.P.A.Holder and the accused are present before this Court and they were identified by their respective counsel. This Court, when examined, both the parties have stated that at the instance of the elders, they have settled the matter out of the Court and the petitioner has no objection for setting aside the conviction and sentence imposed against the accused. The Memorandum of Understanding do form part of record in this Criminal Petition.

5) In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded.

6) In the result, the Criminal Petition is allowed in terms of compromise. The conviction and sentence recorded against the accused in C.C.No.405 of 2011 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad, are set aside and accordingly, they are acquitted.

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

JUSTICE G. SRI DEVI

27.09.2019
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