

HONOURABLE JUSTICE G. SRI DEVI

I.A.NOs.3 AND 4 OF 2019

IN/AND

CRIMINAL PETITION NO.6112 OF 2019

COMMON ORDER:

The petitioners, who are A-1 to A-4 in Crime No.201 of 2019 of P.S. Chaderghat, Hyderabad District, filed this Criminal Petition under Section 482 of the Code of Criminal Procedure to quash the proceedings in the above case registered for the offences punishable under Sections 306 and 498-A of the Indian Penal Code.

The case of the prosecution is that the second respondent gave a complaint on 20.08.2019 stating that her elder daughter was married to the first petitioner/A-1 in the year 2000 and after six months of the marriage, the petitioners and their family members started harassing and torturing her daughter and her daughter suffered with paralysis in the year 2015 and four months back, her daughter came to her house as her husband transferred to Palvanha on promotion as Head-Constable and further alleged that the first petitioner/A-1 used to visit her house in drunken condition and used to beat and torture her daughter frequently, that on 16.08.2019 at about 2.30 pm, the first petitioner/A-1 came to her house and beat her daughter by saying that he is missing his sister because of his wife and stated that living of his wife is waste and better to go and die due to which her daughter went to depression on 19.08.2019 and at about 10 pm, she consumed sleeping tablets stating that she do not want to survive and immediately, the complainant shifted her to Yashoda Hospital and

from there to Omni Hospital, DSNR and from there to KIMS for better treatment and when shifted to KIMS, Secunderabad, they declared as brought dead.

Learned counsel for the petitioners/A-1 to A-4 submitted that the petitioners/A-1 to A-4 have not committed any offence as alleged by the prosecution and they have been falsely implicated in the above case without committing any act of offence and only to harass the petitioners physically and mentally, the second respondent filed this case. It is further submitted that the first petitioner got married the elder daughter of the second respondent in the year 2000 and out of their wedlock they were blessed with one daughter and she is studying Degree first year and that he used to look after his wife with love and affection and took much care on her till her death and that there were no disputes between them and most of the time, they used to stay at the house of the second respondent. It is further submitted that since four years, the first petitioner's wife was suffering from paralysis and the first petitioner has been taking care of her health and food and served his wife in all respects and when he was promoted as Head Constable and transferred to Palvanha in Khammam District, the first petitioner was compelled to stay at his work place and in spite of the same, he used to come to Hyderabad to take care of the needs of his wife and that all the petitioners never harassed his wife at any point of time and the present complaint is given by the second respondent due to the sudden death of her daughter by consuming sleeping tablets. It is further submitted that the first petitioner is having girl child of 17 years old studying Degree first

year and he has to take care of his daughter. Further, all the petitioners never harassed the deceased.

During pendency of the Criminal Petition, I.A.Nos.3 and 4 of 2019 came to be filed by the second respondent to record the compromise and to compound the offences. Along with the petition, a joint memo came to be filed, *inter alia*, stating that at the intervention of elders and well wishers, the parties have settled their disputes in terms of the compromise. The said joint memo has been supported by the affidavit of the second respondent.

Today, both the parties 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 second respondent has no objection for quashing the proceedings against the petitioners/A-1 to A-4.

As seen from the allegations in the complaint, there are no specific allegations against the petitioners/A-2 to A-4, except the bald and general allegation that the petitioners are harassing the deceased. There is no specific time or date of alleged harassment by the petitioners/A-2 to A-4. All the allegations are attributed against the first petitioner/A-1 only.

Hence, looking into the nature of allegations levelled against the first petitioner/A-1, this Court is not inclined to record any compromise and to quash the criminal proceedings, which are pending against him. With regard to petitioners/A-2 to A-4, in the light of the compromise arrived at between the parties, the

compromise memo filed by both the parties is recorded and I.A.Nos.3 and 4 of 2019 are ordered.

Accordingly, the Criminal Petition is partly allowed and the proceedings in Crime No. 201 of 2019 of P.S. Chaderghat, Hyderabad District, insofar as the petitioners/A-2 to A-4 are concerned are hereby quashed in terms of the compromise. The Criminal Petition is dismissed insofar as the first petitioner/A-1 is concerned.

Miscellaneous applications, if any, pending, shall stand closed.

16th November 2019
RRB

(G. SRI DEVI, J)

