

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION NO.6255 OF 2018

ORDER

The petitioners are accused Nos.1 to 5 in C.C.No.189 of 2018 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, which was taken on file on the strength of FIR No.47 of 2017 on the file of the Women Police Station, Central Crime Station, Hyderabad, registered under Sections 498-A and 406 IPC along with Sections 4 and 6 of the Dowry Prohibition Act, 1961. By way of this petition, they sought quashing of the proceedings in the said case.

While so, Mr.B.Anil Kumar Yadav, learned counsel for the second respondent/complainant, and Ms.B.Anitha Yadav, learned counsel for the petitioners/accused Nos.1 to 5, would inform this Court that the matter has been settled out of Court and that an application in I.A.No.3 of 2018 was filed in this case to record the compromise and to quash the proceedings in C.C.No.189 of 2018 pending before the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad.

The second respondent/complainant separately filed I.A.No.2 of 2018 to permit her to compound the offences and to quash the proceedings in the aforestated case.

An offence under Section 498-A IPC is compoundable under Section 320 CrPC in the State of Telangana, being the successor in part of the erstwhile combined State of Andhra Pradesh, inasmuch as A.P. Act 11 of 2003 effected a State Amendment to Section 320 CrPC making an offence under Section 498-A IPC compoundable. An offence under Section 406 IPC is also compoundable under Section 320 CrPC. This Court would

therefore be entitled to exercise its inherent jurisdiction under Section 482 CrPC to record the compromise and compound the alleged offences.

Ms.Syeda Ayesha Fathima, the second respondent/complainant, is present in person before this Court and produced her Aadhaar card in proof of her identity. She stated that she is willing to settle the case in terms of the Memorandum of Settlement dated 26.04.2018 arrived at by her with the first petitioner/accused No.1. In terms of the said settlement, the first petitioner/accused No.1 had to return all the Jahez articles to the second respondent/complainant and she was required to pass a receipt to that effect. That apart, the first petitioner/accused No.1 undertook to pay a sum of Rs.15,00,000/- in cash to the second respondent/complainant in full settlement of all her claims. The second respondent/complainant agreed to withdraw the dowry harassment case, the maintenance case and the DVC case filed by her against the first petitioner/accused No.1 and his family members. She also agreed not to file any further case or complaint against them. Ms.Syeda Ayesha Fathima, the second respondent/complainant, states in open Court that she already received the sum of Rs.15,00,000/- as well as the articles which were to be returned to her.

In the light of the aforestated facts, this Court sees no reason to continue the proceedings in C.C.No.189 of 2018.

The criminal petition is accordingly allowed and the proceedings in C.C.No.189 of 2018 on the file of the learned XIII Additional Chief Metropolitan Magistrate, Hyderabad, are quashed.

SANJAY KUMAR, J

17th APRIL, 2019
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