

THE HON'BLE SRI JUSTICE N. TUKARAMJI

I.A. Nos. 3 & 4 of 2022

IN/AND

CRIMINAL PETITION NO. 9301 OF 2022

ORDER:

This petition is filed under Section 482 of Code of Criminal Procedure (for short 'the Cr.P.C.') by the 1st to 4th accused in C.C. No. 6975 of 2022 on the file of XV Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad seeking quashment of proceedings by recording the settlement of the matrimonial disputes between the parties.

2. The accusations against the petitioners in the Calendar Case are under sections 498-A, 406, 509 of the Indian Penal Code (for short 'the IPC') and Sections 4 and 6 of the Dowry Prohibition Act (for short 'the DP Act').

3. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor for the 1st respondent/State and Mrs. Gayathri, learned counsel for the 2nd respondent/*de facto* - *complainant* represented that during pendency of the Calendar Case proceedings, the 2nd respondent/*de facto-complainant* filed interlocutory applications vide IA

Nos. 3 and 4 of 2022 seeking permission to withdraw the case and to quash the Calendar Case proceedings and recording the settlement between the petitioners/accused and the 2nd respondent/*de facto-complainant*.

4. In this position, the parties are referred to the Telangana State High Court Legal Services Committee (for short 'the TSHCLSC') for verification of identities and to ascertain voluntariness of the parties in settlement. In report dated 13.11.2022, the Learned Secretary, Legal Services Committee reported that the parties are identified and certified by the respective counsel and his enquiries revealed that issues were settled willfully and all of them are aware of the terms of compromise.

5. It is settled position that permission can be granted to the victim to compound the non-compoundable offences complained against the petitioners in view of the judgments of the Hon'ble Supreme Court in *Gian Singh v. State of Punjab*¹ and in *Narendra Singh v. State of Punjab*².

¹ (2013)2SCC(CrI)160

² (2014)6SCC466

6. In the circumstances, this Court is of considered opinion that, as the matter had been cordially settled between the parties, the prosecution may not yield any result in view of the understanding between the parties, hence continuance of the proceedings of the Calendar Case will only be abuse of process and to secure the ends of justice extending the inherent powers under Section 482 of the Cr.P.C would be appropriate.

7. For the aforesaid, the interlocutory applications i.e., IA Nos. 3 & 4 of 2022 are allowed. Resultantly, the criminal proceedings in C.C. No. 6975 of 2022 under Sections 498-A, 406, 509 of the IPC, Sections 4 & 6 of the DP Act on the file of XV Additional Chief Metropolitan Magistrate, at Nampally, Hyderabad is hereby quashed.

8. Accordingly, the criminal petition is allowed.

As a sequel, miscellaneous petitions, pending if any, shall stand closed.

N. TUKARAMJI, J

Dt: 07.12.2022

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THE HONOURABLE SRI JUSTICE N. TKUARAMJI

CRIMINAL PETITION No. 9301 OF 2022

Date:07.12.2022

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