APHC010595212026

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

Between:

1. Gurajapu Raja Sumanth, ,S/o Gurajapu Manikya Sarmaji,aged 35 years, Software Employee,R/o Flat No. 401, Jaya Classic, Srinagar, SBI ColonyYousufguda, Hyderabad, Telangana - 500 073.

2. Gurajapu Manikya Sarmaji, ,S/o Sarwesvar rao, aged 73 yearsR/o Flat No. 401, Jaya Classic, Srinagar,SBI Colony, Yousufguda, Hyderabad, Telangana - 500 073.

3. Gurajapu Saraswathi, ,W/o. Gurajapu Manikya Sarmaji,aged 66 years, R/o. Flat No. 401,Jaya Classic, Srinagar, SBI Colony,Yousufguda, Hyderabad, Telangana - 500 073.

4. Kalyan Chandra, ,S/o Gurajapu Manikya Sarmaji,aged 38 years, R/o Flat No. 401,Jaya Classic, Srinagar, SBI Colony,Yousufguda, Hyderabad, Telangana - 500 073.

5. Kamala Sri Alias Swathi, , W/o Kalyan Chandra,aged 36 years, R/d Flat No. 401, Jaya Classic,Srinagar, SBI Colony,Yousufguda, Hyderabad, Telangana - 500 073.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, ,Represented by its Public Prosecutor,High Court of Andhra Pradesh at Amaravati

2. Gurajapu Peruri Sree Lakshmi, ,W/o. Gurajapu Raja Sumanth,D/o. Peruri Narasimha Murthy,aged 30 years. Private Employee,Residing at Fiat No 204,Sanjana Apartments, FACOR Layout,Waltair Uplands, Visakhapatnam-530003

...RESPONDENT/COMPLAINANTs

Petition under Section 437/438/439/482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Courtmay be pleased to quash all further proceedings arising out of FIR in Crime. No. 18 of 2026 of III Town Police Station, Visakhapatnam Commissionerate against the petitioner No.1 to 5 and to pass such

IA NO: 1 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased may be pleased to stay all the further proceedings in FIR in Crime. No. 18 of 2026 of III Town Police Station, Visakhapatnam Commissionerate., in the interest of justice and pass such

IA NO: 2 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased may be pleased to permit the petitioners to compromise with the 2nd respondent and compound the FIR in Crime. No. 18 of 2026 of III

Town Police Station, Visakhapatnam Commissionerate for offences punishable under Section 85 of BNS, R/w. 3 & 4 of Dowry Prohibition Act, against the Petitioners / Accused No. 1 to 5, and to pass such

IA NO: 3 OF 2026

Petition under Section 482 of Cr.P.C and 528 of BNSS praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition,the High Court may be pleased may be pleased to record the compromise entered between the parties vide Mutual Divorce Petition vide FCOP No.1276 of 2026 on the file of the Hon'ble Court of the II Addl. Family Judge, Visakhapatnam and consequently, quash all further proceedings in Crime / FIR No. 18 of 2026 of III Town Police Station, Visakhapatnam against the Petitioners and to pass such

Counsel for the Petitioner/accuseds: K SIVA SATYANARAYANA,K S S NARAYANA
Counsel for the Respondent/complainants: VEMA RAMANJANEYULU
Counsel for the Respondent/complainants:PUBLIC PROSECUTOR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.2 and 3 OF 2026
in/and
Criminal Petition No:10011 OF 2026

COMMON ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhitha, 2023, has been filed on behalf of the petitioners herein (A1 to A6), seeking to quash the proceedings in FIR in Crime No.18 of 2026 of III Town Police Station, Visakhapatnam Commissionerate District, for the offences punishable under Section 85 BNS and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. It is represented that both the parties have settled the dispute amicably out of the Court at the intervention of their elders and well-wishers. In view of the settlement arrived between both the parties, they filed IA Nos.2 and 3 of 2026 seeking to permit them to compound the offences and to record the compromise.

3. It is stated by the 2nd respondent-de facto complainant in the affidavit filed in support of IA No.2 of 2026 that as per the advice of the well-wishers and family elders of both sides, she compromised the matter. She further stated in the affidavit that

there is no coercion, force or misrepresentation from anybody in giving the said affidavit or in compounding the present case and out of her free will and wish, she was giving the affidavit.

4. Heard learned counsel for the petitioners, learned counsel for respondent No.2 and learned Assistant Public Prosecutor appearing on behalf of respondent No.1-State.

5. In ***State of M.P. V. Laxmi Narayan***[1], after perceiving the well-established principles, the Hon'ble Supreme Court held as under:

> "15. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:
>
> **15.1.** That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;
>
> **15.2.** Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

[1] (2019) 5 SCC 688

15.3. Similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in ***Narinder Singh'***[2] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

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[2] **[*Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54]***

> **15.5.**[3] While exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc."

6. In this context, Apex Court, reiterated the principles in ***Ram Gopal Vs. State of M.P.***[4], in its vivid terms expressed as under:

> *19. We thus, sum up and hold that as opposed to Section 320 Cr.P.C where the Court is squarely guided by the compromise between the parties in respect of offences compoundable within the statutory framework the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C or vested in this Court under Article 142 of Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercise carefully in the context of quashing criminal proceedings bearing in mind:*
>
> *19.1. Nature and effect of the offence on the conscience of the society;*
>
> *19.2 Seriousness of injury, if any;*
>
> *19.3 Voluntary nature of compromise between the accused and the victim; and*
>
> *19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."*

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3 [Ed.: Para 15.5 corrected vide Official Corrigendum No. F.3/Ed.B.J./22/2019 dated 3-4-2019.].

[4] 2024 (14) SCC 531

7. Recently, Hon'ble Supreme Court in ***Naushey Ali and Others Vs. State of Uttar Pradesh and Another***[5], by dealing with law on the subject, in its clear words affirmed the above principles.

8. It is pertinent to note that, the main object of Section 498A proceeding is to prevent the criminal process from continuing when the dispute is essentially matrimonial and personal in nature and the parties have genuinely settled their differences. Although Section 498A is non-compoundable offence, the High Court can exercise its inherent powers under Section 482 Cr.P.C., to quash the proceedings in appropriate cases. The purpose is not to encourage compromise in genuine cases of cruelty, but to ensure that where the matrimonial dispute has been amicably resolved and the possibility of conviction is remote, continuing the criminal case does not result in unnecessary harassment or abuse of the process of law.

9. Today, when the case is called, both the parties are present before this Court. Learned counsel for the petitioners and the learned counsel for the 2nd respondent identified both the parties in the open Court. This Court questioned the de facto

[5] (2025) 4 SCC 78

complainant with regard to compromise, and she has categorically stated that she has voluntarily entered into compromise with the petitioners herein. The relevant portion of joint memo filed by both parties is as under:

> "The petitioner No.1 has agreed to pay a total sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to respondent No.2, out of which, Rs.13,00,000/- towards "Sthridhana" and Rs.7,00,000/- towards marriage expenses respectively. Out of the agreed amount, an amount of Rs.10,00,000/- (Rupees Ten Lakhs only) has already been paid by way of Demand Draft vide D.D.No.773989, dated 28.07.2026 drawn in favour of Peruri Sre Lakshmi, issued by Kotak Mahindra Bank Ltd., Sarjapur Branch, Bangalore and the remaining balance amount of Rs.10,00,000/- (Rupees Ten Lakh only) is agreed to be paid at the time of granting the decree of divorce by mutual consent in F.C.O.P.No.1276 of 2026 on the file of the Hon'ble Court of the II Addl. Family Judge, Visakhapatnam."

10. Keeping in view the overall facts and circumstances of the case, coupled with the nature of the offences, as no adverse antecedents or conduct was found against the accused, the parties on their free will and volition, willingly to put a quietus to all their disputes, which will advance peace and harmony among the parties. More so, the cause of administration of the criminal justice system would remain unaffected.

11. As such, this Court is inclined to invoke its power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 482 Cr.P.C., in the present *lis*, this Criminal Petition is allowed, and proceedings insofar as petitioner

herein (A1 to A5) in F.I.R. in Crime No.18 of 2026 of III Town Police Station, Visakhapatnam Commissionerate District, are hereby quashed.

12. Accordingly, I.A.Nos.2 and 3 of 2026 and Criminal Petition No.10011of 2026 are allowed.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 06.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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IA Nos.2 and 3 OF 2026
in/and
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Date:06.11.2026

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