APHC010650932025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

SATURDAY, THE 21st DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 12497 OF 2025

Between:

1. Gajula Naga Ratnam,, W/o G Venkateswararao, Aged about 59 years, R/o Chavali Village, Vemuru Mandal Bapatia District ,A.P.

2. Gajula Venkateswara Rao ,, S/o G Subbarao, Aged about 64 years, R/o Chavali Village, Vemuru Mandal Bapatia District ,A.P.

3. Gajula Venkata Rathnam,, W/o G Rama Chandraiah, Aged about 63 Years, R/o Chavali Village, Vemuru Mandal Bapatia District ,A.P.

4. Gajula Rama Chandraiah,, S/o G Subbarao, Aged about 69 years, R/o Chavali Village, Vemuru Mandal, Bapatia District ,A.P.

5. Gajula Basavamma,, W/o G Muktheswararao, Aged about 59 years R/o Chavali Village, Vemuru Mandal Bapatia District ,A.P.

6. Gajula Valeswararao,, S/o G Venkateswararao, Aged about 47 years, R/o Vullipalem village, koduru Mandal, Krishna Dist, AP

7. Gajula Srikanth,, S/o G Venkateswararao, Aged about 35 years, R/o Chavali Village, Vemuru Mandal, Bapatia District ,A.P.

...PETITIONER/ACCUSEDs

AND

1. The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court Building, Nelapadu, Amaravati.

2. Thotakura Suneetha, W/o Gajula Goparaju, Aged about 30 years, R/o Chavali Village, Vemuru Mandal Bapatia District ,A.P.

...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 Courtpleased to to quash the proceedings in C.C.No.294 of 2025 on the file of II Additional Junior Civil Judge, Tenali in Cr.No.193 of 2023, U/s 498- A, 509, r/w 34 IPC, 3 & 4 DP Act of Vemuru P.S, Bapatia District against the petitioners/Accused No. 2 to 8 and pass

IA NO: 1 OF 2025

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 pleased to stay of all further proceedings in in C.C.No.294 of 2025 on the file of II Additional Junior Civil Judge, Tenali in Cr.No.193 of 2023, U/s 498- A, 509, r/w 34 IPC, 3 & 4 DP Act of Vemuru P.S, Bapatia District against the petitioners/Accused No.2 to 8 including apperance of the petitioners/Accused No. 2 to 8 and pass

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 implead the proposed petitioner as Petitioner No.8 in CrI.P. No.12497

of 2025, who is Accused No.1 in C.C. No.294 of 2025 on the file of the Hon'ble II Additional Judicial First Class Magistrate, Tenali, and pass

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 petitioner to compromise the case in C C No 294 of 2025 on the file of II Additional Junior Civil Judge Tenali in the interest of justice and pass

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 quash the C C No 294 of 2025 on the file of II Additional Junior Civil Judge Tenali by compounding the offence in terms of compromise in the interest of justice and pass

Counsel for the Petitioner/accused: PETA GNANA TEJA

Counsel for the Respondent/complainants: PURNA CHANDRA SAI K

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:12497 of 2025

COMMON ORDER:

Instant Criminal Petition, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the petitioners herein (A1 to A8), seeking to quash the proceedings in C.C.No.294 of 2025 on the file of II Additional Junior Civil Judge, Tenali registered for the offences punishable under Sections 498(A) of the Indian Penal Code, 1860 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 I.A Nos.2 and 3 of 2026 seeking to permit them to compound the offences and to record the compromise.

3. In the affidavit filed in support of I.A.No.2 of 2026 by the 2nd respondent – de-facto complainant, it is stated that she compromised the matter with petitioners herein, in view of the advice of the well-wishers and family elders of both sides. 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. A joint memo dated 18.11.2026 is also executed between the parties evidencing the compromise.

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:*
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> ***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;*
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> ***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*

[1](2019) 5 SCC 688

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;*

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."*

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

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

6. In this context, Apex Court, reiterated the above principles in ***Ram Gopal Vs. State of M.P.***[4], and held that:

> *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:*
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> *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."*

7. Recently, Hon'ble Supreme Court in ***Naushey Ali and Others Vs. State of Uttar Pradesh and Another***[5], by dealing with the 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

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[4]2024 (14) SCC 531
[5](2025) 4 SCC 78

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 complainant with regard to compromise, and she has categorically stated that she has voluntarily entered into compromise with the petitioners herein (A1 to A8). The relevant portions of the joint memo dated 18.11.2026 filed along with I.A.No.3 of 2026, is extracted hereunder:

"JOINT MEMO

"7. It is submitted that, as per the said compromise, the husband of the De facto Complainant and her husband, namely Gajula Goparaju, agreed to pay a total sum of Rs.60,00,000/- (Rupees Sixty Lakhs only) to the De facto Complainant towards full and final settlement of her permanent alimony and matrimonial claims.

8. It is submitted that, on 31.07.2026 out of the said settlement amount, Gajula Goparaju has already transferred a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the 2nd Respondent through RTGS into her ICICI Bank account, and the Defacto complainant has acknowledged receipt of the same.

9. It is submitted that Gajula Goparaju further agreed to pay Rs.20,00,000/- (Rupees Twenty Lakhs only) to the 2nd Respondent on the date of closure of D.V.C.No.42/2025 and the remaining sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) on the date of closure of C.M.A.No.158/2026 before this Hon'ble Court.

10. It is respectfully submitted that, under the terms of the compromise, the De facto Complainant withdraw D.V.C No.42/2025 pending before the Hon'ble II Additional Junior Civil Judge, Tenali and the amount of Rs.20,00,000/- was received by the defacto complainant on 12-09-2026 and to cooperate in the settlement and closure of C.C.No.294/2025 pending before the Hon'ble II Additional Judicial First Class Magistrate, Tenali, in accordance with law.

11. It is submitted that, as per the terms of the Mediation Report dated 31-07-2026, both parties specifically agreed that the present Crl.P.No.12497/2025 filed by the relatives and to implead the accused A1 in the present criminal petition and the De facto Complainant has agreed to settle the criminal proceedings arising out of Crime No.193/2023 and C.C.No.294/2025 and has no objection to quashing the said criminal proceedings against Accused Nos.1 to 8, subject to the terms and conditions of the settlement."

10. At this juncture, it is relevant to note that, no adverse antecedents or conduct were found against the accused and moreover the parties are willing to compromise the matter and put quietus to all the disputes, which would in turn advance peace and harmony among them, their family members and as well as in their localities too without adversely affecting the administration of criminal justice. 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*. Accordingly,

this Criminal Petition is allowed, and proceedings in C.C.No.294 of 2025 on the file of II Additional Junior Civil Judge, Tenali, insofar as the petitioners herein (A1 to A8), are hereby quashed.

11. Accordingly, I.A.Nos.2 and 3 of 2026 and Criminal Petition No.12497 of 2025 are allowed. The relevant compromise affidavits of victim/*de facto* complainant, along with the annexed documents thereto of the respective parties in the instant case, are made part of the record.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 21.11.2026
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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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IA Nos.2 and 3 OF 2026
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