APHC010700482025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE 9th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

CRIMINAL PETITION NO: 13311 OF 2025

Between:

1. Ganta Tirupathi Rao, S/o Ganta Sanyasi Naidu, Aged about 37years,IRS officer,D.No.1/24, Naidu StreetBailijipeta Mandal,GangadaVillage, Parvathipuram, Manyam District, Andhra Pradesh-535557.
2. Ghanta Sanyasi Naidu, Aged about 65 years, Bailijipeta, Gangada,Ganganda, Vizianagaram, Andhra Pradesh-535557
3. Ghanta Ramanamma, W/o Ghanta Sanyasi Naidu, Aged about 58years, Bailijipeta, Gangada, Ganganda, Vizianagaram, AndhraPradesh-535557
4. Arnepalli Venkata Naidu, Aged about 42 years, S/o Narasan NaiduC/o 2-54, Pedda Street, Nandigam Village,Terlam MandalVizianagaram, Andhra Pradesh-535124.
5. Arnepalli Sravanthi, W/o Venkat Naidu, Aged about 36 years,C/o 2-54, Pedda Street, Nandigam Village, Terlam Mandal, Vizianagaram,Andhra Pradesh-535124. **...Petitioners**

AND

1. The State of Andhra Pradesh, rep by its Public Prosecutor, High Court of A.PVelagapudi, Amaravati, Guntur District.

2. The Station House Officer, Mahila UPS, VisakhapatnamCommissionerate District.

3. Ghanta Divya Sowjanya alias Rongali Divya Sowjanya, D/o RonghaliJagannadham, Aged about 35 years. Government Employee CivilAssistant Surgeon, CHC pendurthi, D.No.39-4-19/1, OppositePrasanthi park, Secror-4, Murali Nagar,Visakapatnam,AndhraPradesh-5. **...Respondents**

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 Crime No. 210 of 2025 dated 10.12.2025, registered at Mahila Police Station, Visakhapatnam Commissionerate District, against the petitioner, for the alleged offences punishable under Sections 85 r/w 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 3 and 4 of the Dowry Prohibition Act, 1961 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 dispense with filing of the original certified copy of Crime No.210 OF 2025 dated 10.12.2025 Mahila UPS, Visakapatnam Commissionerate District, before this Hon'ble Court and pass

IA NO: 2 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 grant stay of all further proceedings, including the appearance of the petitioner, in Crime No. 210 of 2025 dated 10.12.2025, registered at Mahila Police Station, Visakhapatnam Commissionerate District, for the

offences punishable under Sections 85 of the Bharatiya Nyaya Sanhita, 2023, and Sections 3 and 4 of the Dowry Prohibition Act, pending disposal of the main Quash Petition 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 permit the petitioner/defacto complainant and the respondent to quash the proceedings against the Petitioner/Accused A1 - A5 in C.C.No.874 of 2026 on the file of the learned I Additional Chief Judicial Magistrate, Visakhapatnam, arising out of Crime No.210 of 2025 dated 10.12.2025 of Mahila Police Station, Visakhapatnam in terms of compromise/settlement 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/de facto complainant to compromise the case in terms of the settlement/compromise arrived at between them and consequently quash the proceedings against the Petitioner/Accused A1 - A5 in C.C.No.874 of 2026 on the file of the learned I Additional Chief Judicial Magistrate, Visakhapatnam, arising out of Crime No.210 of 2025 dated 10.12.2025 of Mahila Police Station, Visakhapatnam, and pass

Counsel for the Petitioners: REGULAGADDA VENKATESH
Counsel for the Respondents: PUBLIC PROSECUTOR Counsel for the Respondents:K.M.PAVAN KUMAR

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.1 and 2 OF 2026
in/and
Criminal Petition No:13311 OF 2025

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 A5), seeking to quash the proceedings in C.C.No.874 of 2026 on the file of the learned I Additional Chief Judicial Magistrate, Visakhapatnam, arising out of Crime No.210 of 2025 dated 10.12.2025 of Mahila Police Station, Visakhapatnam Commissionerate District, for the offences punishable under Section 85 of Bharatiya Nyaya Sanhita and Sections 3 and 4 of the 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.1 and 2 of 2026 seeking to permit them to compound the offences and to record the compromise.

3. It is stated by the 3rd respondent-de facto complainant in the affidavit filed in support of IA No.1 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.3 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;
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> **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;
>
> **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

[1] (2019) 5 SCC 688

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;

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

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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.].

> 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, by reiterating 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."*

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 498-A 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 85

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

of the Bharatiya Nagarik Sanhita, 2023, 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. It is stated in the joint-memo filed by both the parties that:

"they have voluntarily entered into a Memorandum of Understanding dated 18.08.2026 at Visakhapatnam, recording the terms and conditions mutually agreed between them. Petitioner/defacto complainant and the 1st respondent/Accused No.1 had agreed to dissolve their legally wedded marriage by filing mutual consent divorce petition vide FCOP No. 1350 of 2026 on the file of II Additional Family Court, Visakhapatnam and further 1st respondent/Accused No.1 agreed to pay and petitioner/defacto complainant agreed to receive the full and final settlement total sum of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs Only) as per the MOU and petitioner herein have already received the Rupees 50,00,000/- on 19-08-2026 by way of demand draft and further 1st Respondent/Accused No.1 have agreed to pay the Rupees 50,00,000/- on the day of the appearance in quash proceedings in CRLP/13311/2025 pending before the Honourable High Court by way of demand draft bearing DD No.92858 through Union Bank in favour of the petitioner herein and remaining 50 lacs on the date of the appearance in proceedings of mutual consent divorce petition vide FCOP No./1350 of 2026 pending on the file of II Additional Family Court, Visakhapatnam.

10. 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 3rd respondent identified both the parties in the open Court. This Court questioned the de facto complainant with regard to terms of compromise, and she has categorically stated that she has voluntarily entered into compromise with the petitioners herein. She further states that she received Rs. 50,00,000/- on 19.08.2026 vide DD No. 928574, and another amount of Rs. 50,00,000/- vide DD No. 928581. She further submits that, the final DD for Rs. 50,00,000/-. She further submits that the remaining amount of Rs.50,00,000/- would be paid to her at the time of the mutual consent divorce proceedings, in terms of the compromise, and the petitioners have also agreed to hand over the remaining D.D. for a sum of Rs.50,00,000/- at that juncture.

11. 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.

12. 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 in C.C.No.874 of 2026 on the file of the learned I Additional Chief Judicial Magistrate, Visakhapatnam, arising out of Crime No.210 of 2025 dated 10.12.2025 of Mahila Police Station, Visakhapatnam Commissionerate District, is hereby quashed.

13. Accordingly, I.A.Nos.1 and 2 of 2026 and Criminal Petition No.13311 of 2025 are allowed. The relevant compromise affidavits of victims/*defacto complainant*, along with the annexed documents thereto of the reflective parties in the instant case, are made part of the record.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 09.10.2026
vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

IA Nos.1 and 2 OF 2026
in/and
Criminal Petition No:13311 OF 2025

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vnb