

THE HONOURABLE SMT.JUSTICE TIRUMALA DEVI EADA

CRIMINAL PETITION No.12373 of 2025

ORDER:

This Criminal Petition is filed by the petitioners-accused Nos.1 to 4 seeking to quash the proceedings in Crime No.114 of 2025 on the file of Zaheerabad Town Police Station, Sangareddy District, registered for the offences under Sections 69 and 318(4) of BNS.

2. Heard Sri Mohd. Arif, learned counsel for the petitioners and Sri Jithender Rao Veeramalla, learned Additional Public Prosecutor for the respondent No.1-State.

3. Learned counsel for the petitioners has submitted that the petitioner No.1 and the respondent No.2 were in a consensual relationship and that the allegation under Section 69 of BNS does not get attracted at all. He further submitted that the petitioner No.1 has not turned 21 years of age as on the date of offence and that he has not attained the eligible age for marriage to attract the offences. Even if the version of the respondent No.2 is believed, he cannot be asked to marry the respondent No.2 at that age and therefore, there is no truth in the allegations leveled against the petitioner No.1. He, therefore, prayed to quash the proceedings against the petitioners.

4. The learned counsel for the respondent No.2 has submitted that the respondent No.2 is a housemaid and does not know the intricacies in the Society and she does not know the contents of the FIR. She further submitted that the respondent No.2 is not even aware about the marriageable age of a boy or a girl. It is only her case that she loved the petitioner No.1 herein, but due to cultural differences, the alliance did not proceed further, and out of mental stress, she went to the police station and expressed her displeasure over the petitioner No.1 and she does not intend to prosecute or punish the petitioners.

5. Learned Additional Public Prosecutor has submitted that initially there were allegations made in the complaint, based on which the FIR was registered and that just because of the fear that her future marriage prospects may get spoiled, the respondent No.2 got compromised and thus, has come up with the present argument. He, therefore, submitted to pass appropriate orders in the petition.

6. Perused the record.

7. It was alleged in the complaint that the petitioner No.1 had physical relationship with the respondent No.2. The respondent No.2 is aged 28 years and she is working as a housemaid and she was in

love with the petitioner No.1 herein. Subsequently, out of the acquaintance, they gained intimacy with each other and with the belief that he would marry her, she has entertained physical relationship with the petitioner No.1. Subsequently, both the elders agreed to perform the engagement, but at a later point of time, the parents of the petitioner No.1 refused to perform the engagement. With the said set of allegations, the respondent No.2 approached the police and police got registered the FIR. Subsequently, a Memorandum of Understanding was entered into between both the parties on 18.09.2025, which is also filed along with the petition. Both of them agreed to settle the matter and agreed to delete all the photographs and videos existing in their mobile phones and all the other conditions were also agreed upon. The terms of the memorandum of understanding are extracted here under:

- “1. The First Party has approached the Second Party & his parents for the Settlement & Compromise in Cr.No.114 of 2025, P.S.Zaheerabad Town, Sangareddy, T.S from her own will & wish, without any pressure from the First Party as she is getting married arranged by her family and continuing this case will affect her future Marital life.
2. The First Party hereby agreed that she will delete all Photographs & Video graphs of Second Party & his family members from her Mobile Phone.
3. The First Party hereby declares that the Second Party has never promised her that he will marry the First Party and never make her trust that he will marry her.
4. The First Party hereby declare and affirm that the Second Party and herself has never share any physical relation

as they were just known to each other and talk as common friends occasionally.

5. Both the parties have been agreed that they will not contact each other in future and will not share any contact with each other relatives.
6. The First Party hereby withdrawing this Case Vide. Cr. No. 114 of 2025, P.S Zaheerabad Town against the Second Party & his parents & his minor sister, on her own will & wish without any pressure from the Second Party, his family members or anyone.
7. The First party hereby agreed that after intervention of elders, well-wishers & family members, she is compromising this case amicably with free consent.
8. The Second Party hereby agreed that he will not file any defamation nor will claim any damages from First Party about Cr. No. 114 of 2025 in future.
9. The First Party hereby agreed that the Mohd Shafi Uddin (father of Second Party) & Kausar Begum (Mother of Second Party) have neither agreed nor promised for the engagement between the First Party & Second Party.
10. The First party hereby agreed and assured that neither herself nor the family members will try to contact the first party and his family members including parents, relatives of Second party not even through WhatsApp, Snapchat & other social media platforms. If she tries to contact then the Second Party can proceed with legal action against her.
11. Both the party has agreed that they will delete all the contact details of each other and their family members including the IDs of social media platforms such as Snapchat, WhatsApp etc.

8. Subsequently, a petition for compromising the matter was filed. But, this court has not entertained the said compromise petition in view of the guidelines laid down by the Hon'ble Apex Court in the case in **State of Madhya Pradesh v. Laxmi Narayan**, wherein it was held that inherent power to quash proceedings for non-

compoundable offenses based on a compromise is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Hence, the I.A. No. 3 of 2025 filed for permission to compromise the matter and to record the compromise was closed. Thereafter, while hearing the main petition, the counsel on either side has come up with the above said argument.

9. On hearing the learned counsel for the respondent No.2, it is made to understand that the respondent No.2 is an illiterate person, working as a housemaid and that she did not know the legal consequences or she did not have the knowledge of the age difference and the marriageable age of the petitioner No.1 herein. With the said backdrop, even if it goes before the trial court, no purpose would be served if this is going to be the evidence of the *de facto* complainant-respondent No.2. The terms laid down in the Memorandum of Understanding also would show that both the parties agreed not to interfere with each others' lives. It is also mentioned during the course of argument that the respondent No.2 that she is aged 28 years and that she does not want to spoil her marital prospects. In **Madhukar & Ors.v. The State of Maharashtra**

& Anr.¹, the Hon'ble Apex Court has held that when the parties have amicably resolved their differences and arrived at a mutual understanding, in those circumstances, the continuation of the trial would not serve any meaningful purpose and it would only prolong distress for all concerned, especially the complainant and burden the courts without the likelihood of a productive outcome.

10. Thus, in the light of the above said decisions and in view of the above held discussion, it is opined that continuance of proceedings against the petitioners herein would be abuse of process of law.

11. In the result, the criminal petition is allowed quashing the proceedings against the petitioners-accused Nos.1 to 4 in Crime No.114 of 2025 on the file of Zaheerabad Town Police Station, Sangareddy District.

Miscellaneous Petitions, if any pending, shall stand closed.

JUSTICE TIRUMALA DEVI EADA

November 04, 2025
KTL

¹ 2025 INSC 819