



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1802-1803/2013

(Arising out of SLP (Crl.) Nos.5758-5759 of 2022)

MADDURI GANGARAJU @ BABU RAO

... APPELLANT

VERSUS

MADDURI SUNANDA & OTHERS

... RESPONDENTS

J U D G M E N T

NAGARATHNA, J.

Being aggrieved by the common order dated 30.03.2012 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad whereby the High Court while disposing of Criminal Petition Nos.5270 & 7262 of 2011 refused to quash the legal proceedings initiated by respondent No.1, Smt. Madduri Sunanda, against her husband, Sri Madduri Venkateswara Rao, and original

appellants Nos.1 to 3. Appellant Nos.1 and 2 who were father-in-law and mother-in-law of respondent No.1 respectively died during the pendency of these appeals and therefore the appeals have stood abated *vis-à-vis* them. Appellant No.3 is the brother-in-law of respondent No.1.

2. Briefly stated, the facts of this case are that the marriage between Sri Madduri Venkateswara Rao (hereinafter referred to as “husband”, for the sake of convenience) and respondent No.1 was solemnized on 01.05.2001. Both of them moved to the United States of America on 02.10.2002. After about three years, the relationship between the husband and the wife turned sour and consequently, both parties mutually decided to seek divorce and the same was granted by the Superior Court of California, County of Alameda on 15.03.2007.

3. Upon returning to India, on 05.11.2008, respondent No.1 filed a matrimonial suit being O.P. No.1298 of 2008 seeking relief of restitution of conjugal rights. She subsequently filed a police complaint on 20.11.2008 against her husband that finally

culminated into Complaint Case No.991 of 2010 before the court of Additional Chief Metropolitan Magistrate, Visakhapatnam. Meanwhile, respondent No.1 moved a motion before the Superior Court of California to set aside the judgment of divorce, which was dismissed on 19.01.2010. On 08.11.2010, respondent No.1 filed a case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 being DVC No. 30 of 2010 before the court of III Metropolitan Magistrate, Visakhapatnam alleging cruelty by the husband and the appellants herein. Thereafter, she also filed FIR No.28 of 2011 dated 18.03.2011 against the appellants at Gollaparlu Police Station, East Godavari District under Sections 494 and 498A of the Indian Penal Code, 1860 (for short, "IPC").

4. Aggrieved by the multiple legal proceedings initiated by respondent No.1, the husband and the appellants filed Criminal Petition No.5270/2011 on 28.06.2011 before the High Court of Andhra Pradesh challenging Complaint Case No.991/2010. Furthermore, they filed Criminal Petition No.7262/2011 challenging DVC No.30/2010. The husband also filed Criminal

Petition No.2851/2011 under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”) seeking to quash FIR No.28 of 2011.

5. The High Court clubbed the aforementioned Criminal Petition Nos.2851/2011, 5270/2011 and 7262/2011 and disposed them of by the impugned common order dated 30.03.2012. The High Court dismissed all the three criminal petitions observing that respondent No.1 and her husband had lived together before, during and after the divorce proceedings and respondent No.1 had given birth to a child during the pendency of the divorce proceedings. Hence, the High Court refused to exercise its powers under Section 482 CrPC to quash the criminal proceedings initiated by respondent No.1.

6. Aggrieved by the impugned common order of the High Court, the appellants have preferred the present appeals. This Court, *vide* order dated 17.08.2012, issued notice to the respondents and granted stay of further proceedings initiated by respondent No.1 against the appellants. Further, considering that the matter could be settled through mediation, this Court *vide* order dated

04.07.2013, directed the parties to appear before the Mediation Centre at the High Court of Andhra Pradesh at Hyderabad. Mediation was unsuccessful. Thereafter, this Court granted leave *vide* order dated 18.10.2013.

7. During the pendency of the proceedings before this Court, it appears that respondent No.1 preferred OS No.9 of 2014 on the file of XII Additional District Court, Pithapuram, seeking to set aside a gift settlement deed that was entered into between her husband and respondent No.1 on 06.10.2006 wherein a certain property was transferred from respondent No.1 to her husband. On agreement of the parties, they were referred to the Lok Adalat *vide* Lok Adalat Case No.436/2022 and they resultantly agreed for an amicable compromise to settle all the disputes. Consequently, the Lok Adalat deemed it fit to pass an award under Section 21 of the Legal Services Authority Act, 1987 on 28.12.2022. The award is extracted hereinbelow:

“AWARD U/S.21 OF THE LEGAL SERVICES

AUTHORITY ACT, 1987

Plaintiffs and defendant and counsel for plaintiffs and defendant are present before Lok Adalat and they agreed for the following terms:

- i) The plaintiffs admitted that the gift settlement deed dated 06.10.2006 executed by the 1st plaintiff in the name of the defendant is validly executed and admits that the defendant is the absolute owner and possessor of the plaint schedule property by virtue of the gift settlement deed dated 06.10.2006.
- ii) It is settled between the parties that the plaint schedule property has to be disposed of as early as possible by the defendant herein and out of the sale proceeds, 50% of the proceeds of such sale proceeds must be given to the 1st plaintiff.
- iii) In view of the compromise between the parties, the defendant herein paid an amount of Rs.20,00,000/- (Rupees twenty lakhs only) to the 1st plaintiff which is agreed to be adjusted in the 50% of sale consideration to be given by the defendant to the 1st plaintiff.
- iv) In view of the compromise arrived in between the 1st plaintiff and the defendant, 1st plaintiff agreed to withdraw her contests in all pending cases before various Courts filed by her. In view of the compromise arrived in between the parties, the 1st plaintiff herein agreed to withdraw all cases including pending appeals before the Hon'ble High Court of Andhra Pradesh and Supreme Court and cooperate with the defendant to file compromise memos before the Courts concerned and intimate about their compromise before the Courts concerned.

v) The 1st plaintiff herein thought that there will not be any chance for cohabitation in between the 1st plaintiff and the defendant, the 1st plaintiff will take separate steps by way of filing petitions before the competent Court of law for dissolution of marriage between the 1st plaintiff and the defendant.

vi) In view of the compromise arrived in between the parties, both parties agreed not to make any future claims against each other relating to the properties in any manner whatsoever. The 1st plaintiff also agreed not to make any claim against the defendant in any manner either for herself or for the daughter Hasini.

Accordingly, award is passed in terms of compromise.

1st Plaintiff is entitled for refund of court fee.

Both parties have been explained the terms of award in Telugu language and that they understood the terms of compromise and affixed their signatures in evidence of their consent for the terms of award.”

8. This Court, for the purpose of withdrawal of the cases from the concerned Trial Courts, ordered *vide* order dated 30.01.2025 that the interim order dated 17.08.2012 would not be an impediment.

9. There is no representation on behalf of the respondent-State. In the circumstances, we have heard learned senior counsel for the appellant and learned counsel for respondent No.1.

10. Sri S. Wasim A. Qadri, learned senior counsel for the appellant submitted that there has been a settlement between the parties through Lok Adalat Case No.436/2022. A copy of the Settlement is submitted across the bar. He submitted that the marriage between respondent No.1 and her husband was dissolved by a decree of divorce vide order dated 15.03.2007 which has attained finality. The complaint under the provisions of Domestic Violence Act was made thereafter by respondent No.1 herein. In the circumstances, by exercising jurisdiction under Article 142 of the Constitution of India, this Court may quash the said complaint and all proceedings arising out of the said complaint which in any case were stayed by this Court *vide* order dated 17.08.2012.

11. Mr. K.P. Sundar Rao, learned counsel appearing for respondent No.1, submitted that the High Court was right in dismissing the petition filed under Section 482 CrPC and there is no merit in these appeals. Alternatively, he submitted that appropriate orders may be passed in this appeal.

12. This Court, in ***Dara Lakshmi Narayana vs. State of Telangana, (2025) 3 SCC 735***, has clearly held that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment and that judicial scrutiny must be exercised to guard against such misuse.

13. Furthermore, this Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled into their respective lives,

criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. In the cases of ***Mala Kar vs. State Of Uttarakhand, Criminal Appeal No.1684 of 2024 dated 19.03.2024 (“Mala Kar”)*** and ***Arun Jain vs. State of NCT of Delhi, Special Leave Petition (Criminal) No.9178 of 2018 dated 01.04.2024 (“Arun Jain”)***, this Court, while exercising its powers under Article 142 of the Constitution of India, quashed the criminal proceedings arising out of matrimonial discord against the husband. The Court took note of the fact that the couple therein had divorced and held that in such a situation, to continue with criminal prosecution would amount to abuse of the process of law. The reasoning adopted therein applies with equal force to the facts of the present case. Paragraph 12 of ***Mala Kar*** and the relevant paragraph in ***Arun Jain*** are extracted respectively as under:

“12. Following the aforesaid judgment, in the instant case, we have already noted that there has been a decree of divorce passed between the parties dated 18.10.2014. It is thereafter that on 06.04.2015, the FIR was registered in respect of the criminal complaint filed on 09.08.2014. More significantly, both the appellant No.2 and respondent No.2

have since remarried and are leading their independent lives. Therefore, both parties have accepted the decree of divorce passed by the Family Court on 18.10.2014. Moreover, the appellant No.2-former husband of the respondent No.2 has agreed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as ex-gratia to the respondent No.2 herein in full and final settlement of all her claims, with a prayer to this Court to do complete justice in this matter and for invoking its powers under Article 142 of the Constitution of India.

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Following the aforesaid judgments, in the instant case, it is noted that the appellants and respondent No.2 were married on 01.11.1996 and a daughter was born to them on 19.04.2001. It is also stated by learned counsel for the appellants that appellant No.1 left the matrimonial home on 23.04.2007 and thereafter respondent No.2 sought divorce which was granted by the Competent Court on 04.04.2013. It was only thereafter on 31.10.2013 that respondent No.2 filed the complaint against the appellants herein and the FIR was registered on 13.02.2014 and the chargesheet was filed on 22.09.2015. It is also to be noted that the proceedings initiated under the Protection of Women from Domestic Violence Act, 2005 in the year 2008 by respondent No.2 herein culminated in the dismissal of the said proceeding on merits by order dated 28.07.2017 which has attained finality. Having regard to the aforesaid peculiar and crucial aspects of the present case and by following the order dated 19.03.2024, the appeal is liable to be allowed as we find that this is a fit case where we can exercise powers under Article 142 of the Constitution of India.”

14. This Court, in the case of ***Ramawatar vs. State of Madhya Pradesh, (2022) 13 SCC 635***, while considering quashing of proceedings under Section 482 CrPC, in the context of the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, took into consideration the fact that there had been a settlement arrived at between the parties in the said case and therefore, exercising jurisdiction under Article 142 of the Constitution of India, the Court quashed the complaint, the FIR, and subsequent criminal proceedings against the accused therein. The relevant portion of the said judgment is at paragraph 15 which is extracted as under:

“15. The Constitution Bench decision in the case of ***Supreme Court Bar Assn. v. Union of India & Another*** has eloquently clarified this point as follows:

“48. The Supreme Court in exercise of its jurisdiction under Article 142 has the power to make such order as is necessary for doing complete justice “between the parties in any cause or matter pending before it”. The very nature of the power must lead the Court to set limits for itself within which to exercise those powers and ordinarily it cannot disregard a statutory provision governing a subject, except perhaps to balance the equities between the conflicting claims of the

litigating parties by “ironing out the creases” in a cause or matter before it. Indeed this Court is not a court of restricted jurisdiction of only dispute-settling. It is well recognised and established that this Court has always been a law-maker and its role travels beyond merely dispute-settling. It is a “problem solver in the nebulous areas” (see *K. Veeraswami v. Union of India*) but the substantive statutory provisions dealing with the subject matter of a given case cannot be altogether ignored by this Court, while making an order under Article 142. Indeed, these constitutional powers cannot, in any way, be controlled by any statutory provisions but at the same time these powers are not meant to be exercised when their exercise may come directly in conflict with what has been expressly provided for in a statute dealing expressly with the subject.”

15. This Court took note of the peculiar facts arising in the aforesaid case and the fact that a settlement had been arrived at between the parties and consequently, found it appropriate to invoke powers of this Court under Article 142 of the Constitution of India and quashed the criminal proceedings to do complete justice between the parties. Further, this Court set-aside the order of the High Court and allowed the appeal filed therein.

16. Following the aforesaid judicial dicta, in the instant case, we have noted the following facts in the instant case:

- (i) That the parties have parted ways which has attained finality inasmuch as there is a decree of divorce granted by the Superior Court of California, County of Alameda on 15.03.2007;
- (ii) That Complaint Case No.991 of 2010 before the Additional Chief Metropolitan Magistrate, Visakhapatnam and FIR No.28 of 2011 dated 18.03.2011 against the appellants at Gollaparlu Police Station, East Godavari District under Sections 494 and 498A of the IPC have been filed by respondent No.1 subsequent to the dissolution of the marriage between her and her husband;
- (iii) That the suit filed by respondent No.1 in OS No.9 of 2014 on the file of the XII Additional District Judge, Pithapuram with regard to gift settlement deed has ended in a Lok Adalat

Case No.436/2022. The terms of award under Section 21 of the Legal Services Authority Act, 1987 are extracted above;

- (iv) That both the parties had agreed for an amicable compromise to settle all disputes before Lok Adalat;
- (v) That *vide* order dated 28.12.2022 passed by the Lok Adalat in Lok Adalat Case No.436/2022, a full and final settlement of all claims was effectuated between the parties by way of which all the differences between them have come to be resolved;
- (vi) That respondent No.1 has agreed to withdraw all the pending cases including pending appeals before various Courts;
- (vii) That both the parties have agreed not to make any future claims against each other with respect to the properties.

17. In the considered opinion of this Court, the power under Article 142 must be invoked to advance the cause of complete justice in matters of this nature. Once the parties have genuinely settled all their differences amicably, the continuation of criminal

proceedings between the parties serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer alive. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring quietus to personal disputes that have run their course.

18. A three-Judge Bench of this Court in ***State of M.P. vs. Laxmi Narayan, (2019) 5 SCC 688***, observed in paragraph 15.5 thereof that while exercising power under Section 482 CrPC 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, it is necessary 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.

19. Applying the aforesaid to the present case, we find that the appellant herein would not come within the scope of the aforesaid observations by which the plea of the appellant for quashing of the FIR and consequent proceedings against him could be declined.

20. We also refer to ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** wherein this Court observed that where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled, although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored, securing the ends of justice being the ultimate guiding factor. In this regard, a specific reference was made to offences arising out of matrimony, particularly relating to dowry, etc. or a family dispute, where the

wrong is basically to the victim but the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable. This Court observed that the High Court may, within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be the casualty and ends of justice shall be defeated.

21. In ***Naushey Ali vs. State of U.P., (2025) 4 SCC 78***, one of us (Viswanathan, J.) observed in paragraph 32 that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile and the ends of justice require that the settlement be given effect to by quashing the proceedings. It would be a grave abuse of process particularly when the dispute is settled and resolved.

22. Taking note of the aforementioned factual matrix, the submissions of learned senior counsel for the appellant and learned counsel for respondent No.1, and by applying the ratio of the aforesaid judgments to this case, we allow the appeals and quash the complaint and all proceedings arising out of the said complaint made by respondent No.1. In the circumstances, while invoking our powers under Article 142 of the Constitution, we quash the FIR No.28 of 2011 dated 18.03.2011 registered at Gollaparlu Police Station, East Godavari District under Sections 494 and 498A of the IPC and all other criminal proceedings commenced pursuant thereto. Consequently, the order dated 30.03.2012 passed by the High Court of Judicature, Andhra Pradesh at Hyderabad is set aside. We hold so for the reason that the prosecution of the criminal case by respondent No.1 herein is not as per her intention any longer. Moreover, the continuation of the criminal proceeding would only be an instance of harassment to the appellants having regard to the peculiar facts of the case. Further, no fruitful purpose would be served in the continuation of the court proceedings and

taking it to its logical end. In this context, we have relied upon the judicial dicta of this Court discussed above.

The appeals are allowed in the aforesaid terms exercising our jurisdiction under Article 142 of the Constitution of India.

.....**J.**
(B. V. NAGARATHNA)

.....**J.**
(K.V. VISWANATHAN)

NEW DELHI;
JULY 30, 2025.