

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Crl.P.M.P.No.3995 of 2015 in Crl.P.No.3710 of 2015

and

Criminal Petition No.3710 of 2015

COMMON ORDER:

The *defacto* complainant and his counsel Sri T.D.Phani Kumar are present. A1 to A4 and their Counsel Sri Harinath Reddy Soma are present.

On the report given by defacto complainant the police of V Town PS, Nellore registered a case in Cr.No.46 of 2010 and after investigation laid charge sheet against the accused for the offences under sections 465, 467, 468, 471 and 420 r/w 120-B IPC.

The case of the complainant is that LWs.3 to 5 who are the legal heirs of Peteti Tirupalu and Guravaiah executed a sale-cum-possession agreement dated 30.01.2010 in respect of their land in an extent of Ac.1.86 cts. and Ac.0.31 cts. totalling Ac.2.17 cts. in Sy.No.428, 411/A at Kondyapalem in his favour and ever since he is in possession of the land. It is his further case that when one Ganta Devadas, Ganta Yakob and Pagadala Ramanareddy and others tried to occupy the above said land, Peteti Tirupalu filed OS.No.359 of 1990 before the I Additional Junior Civil Judge, Nellore for granting permanent injunction restraining the defendants and their men from interfering with the peaceful possession and enjoyment. The said suit was partly decreed granting permanent injunction in respect of item No.2 and rejecting relief of permanent injunction in respect of item No.1. Aggrieved by the said rejection in respect of item No.1, Peteti Tirupalu carried the matter in appeal—A.S.No.2 of 2003 before the Additional District Judge, Nellore wherein the accused filed a petition I.A.No.371 of 2004 for impleadment which was dismissed and they did not prefer any appeal against the said order of dismissal and it has become final. Due to escalation of market rates, all the accused entered into conspiracy and created a forged document in respect of Ac.1.86 cts. and filed a suit—O.S.No.36 of 2005 before the II

Additional Senior Civil Judge, Nellore against the legal heirs of Peteti Tirupalu and Guravaiah who are none other than vendors of complainant, seeking permanent injunction in respect of Ac.1.86 cts in Sy.No.428 which was dismissed by the learned Judge holding that accused have no right or title over the land in respect of Ac.1.86 cts. in Sy.No.428.

The defacto complainant and accused along with their counsel present in Court today and submitted that at the intervention of elders they have amicably resolved all their disputes and now complainant is in peaceful possession and enjoyment of the land purchased by him and therefore, this Court may be pleased to accord permission to compound the offence in terms of compromise memo filed by them and quash the proceedings in the interest of justice.

Having regard to the above submission and in view of the fact that it is a property dispute wherein the parties have amicably resolved all their disputes and no useful purpose will be served even if they are driven to trial, and following the decision reported in ***Gian Singh vs. State of Punjab and another***, this petition is allowed and permission is accorded to the parties to compromise the matter and consequently, the proceedings in C.C.No.212 of 2011 on the file of V Additional Judicial Magistrate of First Class, Nellore are hereby quashed in terms of joint compromise memo filed by them.

In the result, both the petitions are accordingly allowed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 24.04.2015

Murthy