

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Crl.P.M.P.No.14004 of 2014 in Crl.P.No.13355 of 2014

and

Criminal Petition No.13355 of 2014

COMMON ORDER:

The de-facto complainant and her counsel Sri C.Vikram Chandra are present. Accused Nos.1 and 2 and their counsel Sri M.Arvind are present.

On the report given by defacto complainant, the police of Santoshnagar PS registered Cr.No.290 of 2013 and after investigation laid charge sheet against A1 to A4 for the offences under Sections 323, 427, 447, 504 r/w 34 IPC and the learned VII Additional Chief Metropolitan Magistrate, Hyderabad took cognizance of the same and registered as C.C.No.582 of 2014.

The allegation is that defacto complainant entered into mortgage agreement with one Mohammed Hussain and residing in the ground floor as mortgagee whereas the family members of Mohammed Hussain are residing in the upper floor as mortgagor. Mohammed Hussain left for abroad on his employment. Thereafter, disputes arose between mortgagor's family members and mortgagee's family members.

While so, on 23.10.2013 at about 5 P.M. when the daughter of complainant viz. Bushra Naid parked her Honda Activa vehicle in the common parking area, the owner's son—Yousuf Hussain also parked his vehicle near her vehicle hindering her passage. When she complained, he did not respond. Therefore, the defacto complaint's daughter moved her

vehicle and parked aside. On this issue at about 6.30 PM when the defacto complaint's daughter was alone in the house and working in the computer, all the accused entered into the house forcibly, caught her and beat her and abused in filthy language and when the complainant after reaching home intervened, they also beat her.

Both the parties and their counsel present in the Court today and submitted that at the intervention of elders they have amicably resolved their disputes and they want to lead harmonious and peaceful life and therefore, complainant has no objection for quashment of the proceedings and therefore, they may be permitted to compound the offence and quash the proceedings in the interest of justice.

Having regard to the above submission and in view of the fact that root cause of the dispute is due to differences in the mortgage affairs which the parties have amicably resolved and no useful purpose will be served if the parties are directed to undergo trial, and following the decision reported in ***Gian Singh v. State of Punjab and another*** (2012) 10 SCC 303), this petition is allowed and permission is accorded to the parties to compound the offence and proceedings in C.C.No.582 of 2014 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad are hereby quashed in terms of joint memo filed by the parties.

In the result, both the petitions are accordingly allowed.

As a sequel, miscellaneous petitions pending, if any, shall

stand closed.

Date: 10.03.2015
Murthy

U. DURGA PRASAD RAO, J