

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.279 of 2011

AND

CRL.P.M.P.No.10864 of 2015

ORDER:

Petitioner-accused seeks quashing of the proceedings initiated against him in C.C.No.55 of 2008 on the file of the Judicial Magistrate of First Class (Special Mobile Court), Kamareddy, registered for the offence punishable under Section 138 of the Negotiable Instruments Act.

When this matter is taken up for hearing, it is brought to the notice of this Court by the learned Counsel for the petitioner-accused as well as the learned Counsel for the 1st respondent-complainant that the parties have compromised the dispute and settled the matter out of Court at the instance of elders and to that effect they filed a joint memorandum of compromise. The said joint compromise memo, which is signed by the parties and their Counsel, is accompanied by a petition i.e., Crl.M.P.No.10864 of 2015.

Today, both the parties were present before this Court and they were identified by their respective Counsel. This Court when examined the 1st respondent-complainant, he stated that he has settled the dispute with the petitioner-accused and that the petitioner-accused has paid cheque amount of Rs.1,25,000/- to him towards full and final settlement of the claim on 12.10.2015 and, therefore, he has no objection to quash the proceedings initiated against the petitioner-accused. Further, the petitioner-accused has also paid 5% of the settlement amount i.e., Rs.6,250/- by way of demand draft bearing No.970753 dated 13.10.2015 towards costs, as per the decision of the apex Court in *Damodar S. Prabhu V. Sayed Babalal H* and also as directed by this Court, in favour of the Secretary, High Court Legal

Services Committee, Hyderabad.

In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and Crl.M.P.No.10864 of 2015 is ordered.

Accordingly, the Criminal Petition is allowed and the proceedings initiated against the petitioner-accused in C.C.No.55 of 2008 on the file of the Judicial Magistrate of First Class, (Special Mobile Court), Kamareddy, are hereby quashed in terms of the compromise entered into between the parties.

M.S.K.JAISWAL, J

13-10-2015

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