

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
Crl.P.M.P.No.2206 of 2015 in Crl.P.No.1286 of 2015
and
Criminal Petition No.1286 of 2015

COMMON ORDER:

The *defacto* complainant and his counsel Sri K.Ramana Rao are present. Accused Nos.1 to 6 and their counsel Sri B.Shankar are present.

Heard both sides and perused the petition.

On the report given by *defacto* complainant, the Police of Shalibanda P.S, Hyderabad City registered Crime No.11 of 2015 against accused for the offences under Sec.420 IPC and Sec.3(1)(x) of S.C, S.T (POA) Act and investigation is reported to be pending.

The allegations are that the complainant who is a Lambadi (S.T) having acquaintance with the accused and his father and due to the said acquaintance, the accused sold a plot situated in Wanaparthi intimating that there were no encumbrances over the said property. However, subsequently, the complainant came to know that the accused and his father borrowed loans from outsiders and in fact O.S.No.32 of 2012 and O.S.No.64 of 2011 were filed against the accused on the file of Senior Civil Judge's Court, Wanaparthi and the plot which was sold to the complainant was already attached by the creditors of the accused in those suits and without intimating the same, the accused sold the said plot to him. The further allegation is that in

O.S.No.32 of 2012, the plaintiff filed E.P.No.13 of 2012 and brought the plot purchased by the complainant to auction sale and so also in O.S.No.64 of 2011, the concerned plaintiff filed E.P.No.19 of 2012 and he too brought the plot purchased by the complainant to auction sale. In order to avoid the auction sale, in the above matters, the complainant paid amounts and could secure his plot. In this process, he incurred heavy expenditure of Rs.15,35,000/-. Subsequently when the complainant approached accused and raised dispute and asked him to pay the amounts, he assaulted him and abused him by his caste. The investigation is reported to be pending.

While-so, both parties and their Counsel present in Court today and submitted that at the intervention of elders they have amicably resolved all their disputes and as per the advise of elders, the accused agreed to pay Rs.4,00,000/- to the complainant towards the final settlement of his claim and he already paid Rs.2,00,000/- on 10.02.2015 and he is paying balance amount of Rs.2,00,000/- today and in view of the same, the *defacto* complainant has no objection for quashment of the proceedings in Crime No.11 of 2015 of Shalibanda P.S and hence permission may be accorded to them to compound the offence and quash the proceedings.

In view of the above submission and considering the fact that the matter relates to a civil dispute which the parties have amicably resolved among themselves and no useful purpose will be served if the investigation is ordered to be continued since the

parties have compromised and following the decision reported in ***Gian Singh v. State of Punjab and another***^[1], this petition is allowed and permission is accorded to the parties to compound the offence and proceedings in Crime No.11 of 2015 on the file of Shalibanda P.S, 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.

U. DURGA PRASAD RAO, J

Date: 12.03.2015

Note: Issue C.C. by tomorrow

(b/o)

SCS

^[1] (2012) 10 SCC 303