

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CRL.P.NOS.12672 AND 12818 OF 2011

COMMON ORDER

The 2nd respondent in both the petitions is the de facto complainant. She lodged complaint in FIR.No.357/2009 against A-1 to A-4 for the offences punishable under Sections 420, 493, 465, 312 and 120-B of IPC. On filing of the charge sheet, the case was numbered as C.C.No.1745 of 2010 on the file of IX Metropolitan Magistrate Cyberabad, Kukatpally at Miyapur. For quashing the said proceedings, A-1 filed CrI.P.No.12818 of 2011 under Section 482 Cr.P.C. and A-2 to A-4 filed CrI.P.No.12672 of 2011.

Smt. Manjula Reddy, counsel appearing for Sri K.Chaitanya, learned counsel for the 2nd respondent – de facto complainant submits that the de facto complainant has amicably settled the disputes with the petitioners/accused 1 to 4 and she does not want to pursue further against the petitioners.

The 2nd respondent – de facto complainant is personally present before this court and for her identification, produce her original passport issued by Government of India bearing No.G 2069882. The original is seen and returned.

She states that the matter has been compromised. She does not want to pursue further against the petitioners and that if the present quash petitions are allowed, she has no objection.

The learned Additional Public Prosecutor appearing for the 1st respondent – State has not opposed the petition.

In the present case, some of the offences alleged are non-compoundable. *The Apex Court in YOGENDRA YADAV v. STATE OF JARKHAND*¹, held that “However, in a given case, the High Court can quash a criminal proceeding in exercise of its power under Section 482 of the Code having regard to the fact that the parties have amicably settled their disputes and the victim has no objection, even though the offences are non-compoundable.” In view of the law laid down by Apex Court and as the parties have amicably settled their disputes and the de facto complainant has no objection for quashing the criminal proceedings, in exercise of jurisdiction under Section 482, I am inclined to quash the criminal proceedings.

Keeping in view the above averments and the judgment of the Apex Court (surpa), CrI.M.P.No.18895 of 2016 in CrI.P.No.12672 of 2011 and CrI.M.P.No.18896 of 2016 in CrI.P.No.12818 of 2011 filed for compounding the offences are allowed and consequently, the proceedings in C.C.No.1745/2010 on the file of IX Metropolitan Magistrate Cyberabad, Kukatpally at Miyapur against A-1 to A-4 are hereby quashed.

The criminal petitions are accordingly allowed in terms of compromise.

Miscellaneous petitions pending if any, shall stand closed.

SURESH KUMAR KAIT,J

DATE: 14.12.2016
AVS

¹ 2015(1) ALD (CrI.)240 (SC)