

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

CRL.R.C.No.879 OF 2013

ORDER:

This revision case is filed under Section 397 and 401 of the Code of Criminal Procedure, 1973 questioning the correctness of the order, dated 01.04.2013 in CrI.M.P.No.713 of 2013 in C.C.No.897 of 2004 passed by the VI Additional Chief Metropolitan Magistrate, Hyderabad, by and under which the learned Magistrate dismissed the petition to discharge A2 and A3 of the offence punishable under Sections 465, 468, 471 and 120-B read with Section 34 IPC.

The 1st respondent is the de facto complainant. He filed the complaint against A1 to A7 alleging disputes in between him and A1 in respect of property which is said to be measuring 2200 sq. yards identified as house No.6-3-1090/1/5 situated at Somajiguda, Hyderabad.

The brief allegations are that A1 wanted the de facto complainant to sell the property and applied all sorts of pressure on him. A1 being unsuccessful, A2 and others having conspired together and created GPA and tried to commit the offence.

The dispute is in respect of the property. During pendency of the case, A4 to A6 died. The civil dispute in between the de facto complainant and A1 has been compromised. As a matter of fact, the de facto complainant filed O.S.No.377 of 2002 on the file of X Additional Chief Judge, (F.T.C.), City Civil Court, Hyderabad for eviction in respect of the same property. In that suit the de facto complainant was the 1st plaintiff and the petitioners/A1 and A7 were 2nd and 7th defendants. The said suit ended in compromise on 25.02.2005. Since the civil suit has been settled between the plaintiff and defendants, they agreed to withdraw all the criminal cases filed by them respectively as early as possible.

In pursuance of the above compromise, the petitioners/A1 and A7 filed Criminal Petition No.8038 of 2009 for quashing of proceedings against A1 and

A7. In that petition, the de facto complainant filed sworn affidavit which is to the effect that the civil suit bearing O.S.No.377 of 2002 and criminal case i.e. C.C.No.897 of 2004 are in respect of one and the same dispute and that O.S.No.377 of 2002 has been compromised. The de facto complainant in that affidavit specifically stated that the dispute between them is one and the same and requested the Court to quash the said C.C. in view of the compromise. Accordingly, this Court, by order dated 25.09.2009 has quashed all further proceedings insofar as A1 and A7 concerned in C.C.No.897 of 2004. The petitioners herein are A2 and A3 in the same C.C.

Upon perusal of the charges, what is noticed is that the substantial allegations are against A1 and his wife. Insofar as A2 and A3 are concerned, they are said to have conspired in committing the offence. When A1 and A7 were compromised, all further proceedings against them were quashed and continuation of proceedings will be nothing but abuse of process of law. As a matter of fact, A2 and A3 stand on better footing than A1 and A7, the further proceedings against A2 and A3 can be quashed in view of the compromise entered in to between the accused and the de facto complainant in a civil suit.

In that view of the matter, the Criminal Revision Case is allowed. Petitioners/A2 and A3 are discharged from the charges levelled against them in C.C.No.897 of 2004 on the file of VI Additional Chief Metropolitan Magistrate, Hyderabad.

Pending miscellaneous petitions in the revision, if any, shall stand closed.

M.S.KJAISWAL,J

28.01.2016

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

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DATE: 28.01.2016

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