

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Petition No.2953 of 2016

ORDER:

The criminal petition is filed under Section 482 Cr.P.C. seeking to quash proceedings initiated against the petitioner/accused in C.C.No.2261 of 2013 on the file XI Additional Chief Metropolitan Magistrate at Secunderabad arising out of Crime No.268 of 2013 of Begumpet Police Station, registered for the offence punishable under Section 304 A IPC.

The petitioner is alleged to have committed the offence punishable under Section 304 A IPC.

When this matter has been taken up, the petitioners and the first respondent-de facto complainant, who appeared before this Court, filed CrI.M.P.No.4542 of 2016 seeking to quash the proceedings in C.C.No.2261 of 2013 on the file XI Additional Chief Metropolitan Magistrate at Secunderabad stating that due to intervention of the elders and well-wishers they settled the matter amicably and the first respondent-de facto complainant agreed to withdraw the case against the petitioner and to that effect a joint memo was filed.

Having regard to the submissions made by the learned counsel for the parties and the averments made in CrIPMP.No.4542 of 2016, this Court is of the view that the offence alleged against the petitioner/accused is punishable under Section 304 A IPC and the same is non-compoundable in nature as provided under Section 320 Cr.P.C. and that the de facto complainant, who intends to compound the offence, is neither

aggrieved party nor the victim in the eye-law. In such circumstances, the offence alleged cannot be permitted to be compounded and accordingly, Cr.P.M.P.No.4546 of 2016 is liable to be rejected and the same accordingly rejected.

Insofar as the allegations in the main criminal petition are concerned, it is evident from the material on record that the complaint was given after lapse of two days from the date of occurrence. It is also evident that there are no eye-witnesses to the alleged incident to establish the rash and negligent driving of the petitioner/accused and the manner in which he drove the vehicle leading to occurrence of the alleged incident. Even the statements of the prosecution witnesses recorded by the police also did not state the actual happening of the incident, except saying that they heard a big sound of accident at Prakash Nagar Fly over bridge. In such circumstances, as there are no eye-witnesses to the alleged incident, continuation of proceedings against the petitioner/accused is a futile exercise and hence, the same can be quashed invoking the jurisdiction under Section 482 Cr.P.C.

Accordingly, the criminal petition is allowed and the proceedings in C.C.No.2261 of 2013 of on the file XI Additional Chief Metropolitan Magistrate at Secunderabad initiated against the petitioner/accused is hereby quashed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

Date: 23.03.2016

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