

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

CRL.P.NOs.9500 AND 9623 OF 2016

COMMON ORDER

One Mr. M.Anand Kumar, filed complaint against Manish Vyas, Mahesh Vays, gopal Vyas, Ramesh Kumar Vyas and Suresh Kumar Vyas, for the offences punishable under Sections 363, 324, 384, 506 read with 34 IPC and the same was registered as FIR. No.61/2016 on the file of Police Station shahinayathgunj, Hyderabad. One Mr. Suresh Kumar Vyas, filed complaint against the complainant in FIR.No.61/2016 – M.Anand Kumar, for the offences punishable under Sections 408 and 420 IPC.

2. The accused/A-1 to A-5 in Crime No.61/2016 filed the Crl.P.No.9500/2016 under Section 482 Cr.P.C. to quash the proceedings in FIR/Crime No.61/2016 on the file of Shahinayathgunj Police Station, registered against them.

3. The accused in FIR/Crime No.109/2016 filed Crl.P.No.9623/2016 under Section 482 Cr.P.C. to quash the proceedings in FIR/Crime No.109/2016 on the file of Mailardevpally Police Station, Hyderabad, registered against him.

4. Heard the learned counsel for the petitioners/accused 1 to 5 in Crl.P.No.9500/2016 and the petitioner / accused in Crl.P.No.9623/2016 and the learned Additional Public Prosecutor for the 2nd respondent - State and the learned counsel for the 1st respondent – de facto complainants in both the petitions.

5. Today, when the matter came up for hearing, the learned counsel for the petitioners/accused in both the petitions, submitted that the parties have amicably settled the matter and the 1st respondent, who are de facto complainants in both the petitions, filed Crl.M.P.No.10282/2016 in Crl.P.No.9500/2016 and Crl.M.P.No.10393/2016 in Crl.P.No.9623/2016 to permit them to compound the above offences and to quash the proceedings.

The learned counsel submitted that in the present case, though some of the offences are non-compoundable and as the parties have settled the matter, sought this court, to record compromise and quash the proceedings, in the light of the law laid down in **Yogendra Yadav v. State of Jharkhand**^[1], wherein the Apex Court 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.*”

6. Both the parties are present and submitted that they have amicably settled the matter and the 1st respondent / de facto complainants in both the criminal petitions may be permitted to compound the above offences. The parties are identified by their counsel. Both the parties have signed in the joint memorandums of compromise and the same has been counter signed by their respective counsel. In view of these circumstances and the law laid down by Apex court in Yogendra Yadav’s case (supra), the CrI.M.P.No.10282/2016 in CrI.P.No.9500/2016 and CrI.M.P.No.10393/2016 in CrI.P.No.9623/2016 are allowed and the joint memorandums of compromise are made part of this order.

7. The proceedings FIR/Crime No.61/2016 on the file of Shahinayathgunj Police Station, Hyderabad, registered against the petitioners/accused 1 to 5 in CrI.P.No.9500/2016, for the offences punishable under Sections 363, 324, 384, 506 read with 34 IPC and the proceedings in FIR/Crime No.109/2016 on the file of Police Station, Mailardevpally Police Station, Hyderabad, registered against the accused/petitioner in CrI.P.No.9623/2016, for the offences punishable under Sections 408 and 420 IPC, are hereby quashed and the criminal petitions are allowed in terms of the compromise. No costs.

8. Miscellaneous petitions pending if any, shall stand closed.

AVS

04.07.2016

^[1] 2015 (1) ALD (CrI.) 240 (SC)