

THE HON'BLE SRI JUSTICE RAJA ELANGO

CrI.P.M.P.Nos.96 and 97 of 2016

and

CrI.P.No.61 of 2016

ORDER

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The petitioner/A2 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in Cr.No.1070 of 2014 of Jeedimetla Police Station, Cyberabad District, registered for the offences punishable under Sections 468 and 420 read with Section 34 IPC, against her.

2. It is alleged that A1 and A2 had illegally sold plot No.92 in Sy.No.273 admeasuring 100 square yards situated at Bavaninagar, Gajularamaram, Jeedimetla, which belongs to the de facto complainant, to one Jahirbee by creating false documents. Based on the complaint, the aforesaid crime was registered against A1 and A2.

3. Today, when the matter came up for hearing, the second respondent/de facto complainant and the petitioner/A2 are present and are identified by their respective counsel. They filed CrI.M.P.Nos.96 and 97 of 2016 seeking to compound the offences alleged and to quash the proceedings against the petitioner/A2. The second respondent stated that the matter has been settled out of the Court and he does not want to prosecute the petitioner/A2 in the aforesaid crime. Thus, he prays to quash the proceedings against her.

4. Learned counsel for the petitioner/A2 submits that as the

proceedings against A1 were quashed by this Court vide order dated 27.01.2016 in CrI.P.No.1858 of 2015 in view of the compromise between the parties, the petitioner/A2 is also on the same footing.

5. In view of the compromise arrived at between the parties, continuation of criminal proceedings against the petitioner/A2 would be a futile exercise. The offence under Section 420 IPC is compoundable with the permission of the Court whereas the offence under Section 468 IPC is non-compoundable. In a case of this nature, the Courts would be justified in invoking its inherent jurisdiction and the technicalities should not be allowed to stand in the way of Courts' power to quash the criminal proceedings involving non-compoundable offences. Further, the proceedings against A1 were already quashed by this Court in CrI.P.No.1858 of 2015 dated 27.01.2016 and the petitioner/A2 is also on the same footing. Therefore, it is just and proper to quash the criminal proceedings against the petitioner/A2.

6. Accordingly, the CrI.M.P.Nos.96 and 97 of 2016 are ordered. Consequently, the Criminal Petition is allowed and the proceedings in Cr.No.1070 of 2014 of Jeedimetla Police Station, Cyberabad District, are quashed against the petitioner/A2. The second respondent-de facto complainant and the petitioner/A2 are directed to deposit a sum of Rs.2,000/- together towards costs to the Telangana State Legal Services Authority, Hyderabad and to produce the receipts before the Registry on or before 26.03.2016

and on filing such receipts, Office to issue a copy of the order to the parties. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

15th March, 2016
sj