

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.M.P.Nos.7117 and 7118 of 2016

and

Crl.P.No.6087 of 2016

ORDER

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The petitioners/A1 to A3 filed this criminal petition under Section 482 Cr.P.C., seeking to quash the proceedings in P.R.C.No.28 of 2014 on the file of Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, registered for the offence punishable under Section 307 r/w 34 IPC, against them.

2. The averments in the charge sheet would disclose that there were disputes between the de facto complainant and the accused with regard to money transactions and that on 23.08.2013 at about 9.30 PM., while the de facto complainant along with his friend Khaja was sitting near Ling City, Banana Store and chitchatting there, suddenly, all the accused came there with knives and sticks and beat him indiscriminately, due to which, he received bleeding injuries on his head, chest, stomach, left leg, right side nose and ears. Immediately, the de facto complainant was shifted to the hospital for treatment. Based on the report, a case in Cr.No.232 of 2013 u/s.307 r/w.34 IPC was registered against the accused.

3. Today, when the matter came up for hearing, the first respondent/de facto complainant and the petitioners/A1 to A3 are present and are identified by their respective counsel. They filed Crl.M.P.Nos.7117 and 7118 of 2016 seeking to compound the offence alleged and to quash the proceedings against the petitioners/A1 to A3. The first respondent stated that the incident

occurred on a sudden quarrel between them and that as the matter has been settled out of the Court, he does not want to prosecute the petitioners/A1 to A3 in the aforesaid crime. Thus, he prays to quash the proceedings against them.

4. In view of the compromise arrived at between the parties, continuation of criminal proceedings against the petitioners/A1 to A3 would be a futile exercise. But the offence alleged against the petitioners 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. Therefore, it is just and proper to quash the criminal proceedings against the petitioners/A1 to A3.

5. Accordingly, the CrI.M.P.Nos.7117 and 7118 of 2016 are ordered. Consequently, the Criminal Petition is allowed and the proceedings in P.R.C.No.28 of 2014 on the file of Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are quashed against the petitioners/A1 to A3. Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

RAJA ELANGO, J

25th April, 2016

sj