

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.266 AND 265 OF 2017

IN/AND

CRIMINAL PETITION No.104 OF 2017

ORDER:

The petitioner is sole accused viz., Jangiti Govardhan. On the basis of a private complaint filed by respondent No.2 viz., Jangiti Parthasarathy alleging the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code, 1860 (IPC), the learned Chief Metropolitan Magistrate, Metropolitan Criminal Courts, Nampally, Hyderabad, referred it to the concerned police under Section 156 (3) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.');

based on the same, the concerned police, registered a Crime as 63 of 2009 and on completion of investigation laid charge sheet, which was assigned C.C. No.417 of 2012.

2. During pendency of the said proceedings, the petitioner and respondent No.2 being natural brothers, on account of wisdom prevailed on them, entered into compromise and even settled the dispute in A.S. No.605 of 2008 before this Court and compromise was recorded between them on 06.01.2017 putting an end to the litigation in O.S. No.169 of 1999 on the file of IV Additional District Judge, Ranga Reddy District at L.B. Nagar.

3. It appears that with a view to get the proceedings in C.C. No.417 of 2012 quashed, the present petition is filed, as they

have no other alternative remedy, in view of the fact that the offences alleged by respondent No.2 are non-compoundable offences and the law declared by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹ would govern the field.

4. Both the petitioner and respondent No.2 viz., Jangiti Govardhan and Jangiti Parthasarathy as well as their counsel are present and the parties are identified by their respective counsel. The parties have produced photostat copies of their "Aadhaar Cards" in proof of their identity.

5. They filed separate petitions in Criminal M.P. Nos.265 and 266 of 2017 under Section 482 of Cr.P.C. seeking permission to enter into compromise in the aforesaid C.C. and to record compromise. They have also filed a joint memo, which contains the terms referring to various disputes in paragraph No.2 which have been settled and also stating that all disputes between them have been settled and to quash the proceedings by recording the compromise.

6. The memo filed by the parties contains signatures of both parties and their respective counsel and they affirm the contents of the joint memo and request to record the compromise.

7. The law declared by the Hon'ble Supreme Court in **Gian Singh**¹ attracts the fact-situation in the present case.

¹ 2012 (10) SCC 303

8. In the present case, the dispute is between the real brothers and quashment of the proceedings in Calendar Case would not affect rights of any others or would have any impact on the society.

9. In that view of the matter, Criminal Petition M.P. Nos.266 and 265 of 2017 are allowed permitting the parties to enter into compromise and accordingly, the compromise is recorded as per the terms of the joint memo.

10. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioner in C.C. No.417 of 2012 on the file of Chief Metropolitan Magistrate, metropolitan Criminal Courts at Nampally, Hyderabad. The joint memo filed by the parties shall form part of the record.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Criminal Petition stand closed.

A. SHANKAR NARAYANA, J

January 19, 2016.
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