

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1157 OF 2017

IN/AND

CRIMINAL PETITION No.1205 OF 2017

AND

CRIMINAL PETITION M.P. No.1490 OF 2017

IN/AND

CRIMINAL PETITION No.1519 OF 2017

COMMON ORDER:

The former Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), is filed by accused Nos.1, 3, 4, 5 and 6 viz., Gujja Harish, K. Sandeep, A. Mahesh, A. Kranthi Kumar alias Kranthi and P. Nikhitesh, respectively, seeking to quash the proceedings in Crime No.14 of 2017 of Musheerabad Police Station, Hyderabad, for the offence punishable under Section 435 read with Section 34 of the Indian Penal Code, 1860 (IPC).

2. The latter Criminal Petition, under Section 482 of Cr.P.C., is filed by accused No.2 viz., A.V.A. Karthik Sharma seeking to quash the very same proceedings and the offence alleged.

3. Criminal Petition M.P. Nos.1157 and 1490 of 2017, under Section 320(2) of Cr.P.C., in the respective petitions, are filed by the *de facto* complainant Bujender Yadav, who is respondent No.2 in both the Criminal Petitions, along with his affidavit and Joint Memo, signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and consequently to quash the proceedings against the petitioners stating

that with the intervention of the locality elders, friends and parents of the petitioners, they settled the matter between them, outside the Court, in terms of the Compromise Understanding Agreement, dated 23.01.2017, which is filed in Crl. P. M.P. No.1490 of 2017, and the Joint Memos dated 09.02.2017 and 16.02.2017, respectively.

4. The *de facto* complainant and the petitioners as well as their counsel are present and the parties are identified by their respective counsel, Sri L.N. Bhadriraju, Sri Y. Vasudeva Rao and Sri Kancham Praveen Kumar. The parties have also produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. On being asked, the *de facto* complainant and the petitioners report that they have compromised the matter between them outside the Court with the intervention of the locality elders, friends and parents of the petitioners by settling all the disputes and differences between them in terms of the Compromise Understanding Agreement, dated 23.01.2017, and to that effect they have also filed separate Joint Memos, dated 09.02.2017 and 16.02.2017, respectively, and request the Court to record the compromise and consequently to quash the proceedings against the petitioners.

6. Since the offence punishable under Section 435 read with Section 34 of IPC, is non-compoundable, the parties moved the present criminal petition along with the petitions under Section 320(2)

of Cr.P.C., seeking to quash the proceedings, as it is a settled law that non-compoundable offences can also be compounded under Section 482 of the Code of Criminal Procedure, 1973, as held in **Gian Singh v. State of Punjab**¹.

7. Since both parties have affirmed the terms of the compromise in their respective Joint Memos, requesting to record the compromise and to quash the offence alleged against the petitioners intending to live peacefully as they are residents of same locality, and in view of the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh**¹, both Criminal Petition M.P. Nos.1157 and 1490 of 2017 are allowed recording the compromise between the parties in terms of their respective Joint Memos, referred to above.

8. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the petitioners in Crime No.14 of 2017 of Musheerabad Police Station, Hyderabad. The Compromise Understanding Agreement, dated 23.01.2017, and the respective Joint Memos, referred to above, shall form part of the record.

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

A. SHANKAR NARAYANA, J

February 20, 2017.
PV

¹ 2012 (10) SCC 303