

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.2978 OF 2017

IN/AND

CRIMINAL PETITION No.2871 OF 2017

COMMON ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by petitioners - accused Nos.1 to 3 seeking to quash the proceedings against petitioners in C.C.No.466 of 2015 on the file of the I Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District, registered for the offence punishable under Sections 326 and 323 read with Section 34 I.P.C.

2. Criminal Petition M.P. No.2978 of 2017 is filed by petitioners under Section 320 read with Section 482 of the Code requesting to permit them to enter into compromise as the offence under Section 326 of the Indian Penal Code is non-compoundable.

3. Both parties as well as their learned counsel are present and the parties are identified by their respective learned counsel, Sri K.V.L.Narasimha Rao and Sri Polisetty Radhakrishna. The parties have also showed their respective original aadhaar cards and produced photostat copies of the same in proof of their identity.

4. Learned counsel on either side would submit that parties are interrelated and to purchase peace, at the intervention of elders of the

village, they entered into a compromise and the matter was settled amicably.

5. Perused the affidavit and the joint memo signed by both the parties. The petitioners – accused Nos.1 to 3 and respondent No.2 - *de facto* complainant entered into compromise concerning the aforesaid offences.

6. Since both parties have entered into compromise and affirmed the contents of affidavit filed by the petitioners, compromise is recorded as the dispute falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹.

7. In view of the above circumstances, Criminal Petition M.P. No.2978 of 2017 is allowed and, consequently, the present Criminal Petition is allowed quashing the proceedings against petitioners – accused Nos.1 to 3 in C.C.No.466 of 2015 on the file of the I Additional Judicial Magistrate of First Class, Tadepalligudem, West Godavari District. The affidavit filed by petitioners, joint memo and consent affidavit filed by the 2nd respondent – *de facto*-complainant shall form part of the record.

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

A. SHANKAR NARAYANA, J

April 12, 2017

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¹. (2012) 10 SCC 303