

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.1218 AND 1219 OF 2017

IN/AND

CRIMINAL PETITION No.1266 OF 2017

COMMON ORDR:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the accused viz., Lanka Santosh Kumar seeking to quash the proceedings in First Information Report No.533 of 2016 of L.B. Nagar Police Station, Cyberabad, for the offence punishable under Section 304-A of the Indian Penal Code, 1860.

2. Criminal Petition M.P. No.1218 of 2017 is filed by the *de facto* complainant Baddam Yadaiah Goud, who is respondent No.2 in the Criminal Petition, seeking permission to permit him to compromise the matter with the petitioner in the aforesaid crime; and, Criminal Petition M.P. No.1219 of 2017 is also filed by him along with his affidavit, compromise petition and Joint Memo, dated 06.02.2017, signed and affirmed by both parties and their respective counsel, Sri Atmakur Srinath and Sri N. Prabhakar, requesting to permit the parties to compromise the matter and consequently to quash the proceedings against the petitioner stating that they belong to same locality and with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the Memorandum

of Understanding, dated 06.02.2017, which is filed in the criminal petition.

3. The *de facto* complainant Baddam Yadaiah Goud is brother of the deceased viz., Baddam Ramesh Goud in the accident. Himself, wife and daughters of the deceased viz., Smt. Lavanya Baddam, and Devika Baddam and Ambika Baddam, respectively, and the petitioner as well as their counsel are present and the parties are identified by their respective counsel, Sri Atmakur Srinath and Sri N. Prabhakar. Both parties have produced photostat copies of their respective “Aadhaar Cards” also in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant, wife and daughters of the deceased and the petitioner report that they have compromised the matter with the intervention of the elders by settling all the disputes and differences between them in terms of the Memorandum of Understanding, dated 06.02.2017, and to that effect they have also filed the Joint Memo dated 06.02.2017, and request the Court to record the compromise and consequently to quash the proceedings against the petitioner.

5. Since the offence punishable under Section 304-A of IPC is non-compoundable, the parties moved the present criminal petition seeking to quash the proceedings along with miscellaneous petitions under Sections 320(6) and 320 read with 482 of Cr.P.C. seeking to grant permission to compromise and to compound the offence, as it is

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.

6. However, when questioned as to how compromise can be effected in view of the offence being punishable under Section 304-A IPC, the learned counsel has placed an order compromising the similar matter by a learned Single Judge of this Court in Criminal Petition No.15610 of 2014, dated 24.12.2014, where the offences were punishable under Sections 304-A and 338 of IPC. Hence, the compromise petition is entertained as there is only one death in the present case.

7. Since both parties have affirmed the terms of the Memorandum of Understanding and the Joint Memo dated 06.02.2017, requesting to record the compromise and to quash the offences alleged against the petitioner, and in view of the decision of the Hon'ble Supreme Court in **Gian Singh**¹, Criminal Petition M.P. No.1218 of 2017 is allowed granting permission to the parties to compromise the matter, and, Criminal M.P. No.1219 of 2017 is allowed recording the compromise between the parties in terms of the Memorandum of Understanding and the Joint Memo, referred to above.

¹ 2012 (10) SCC 303

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the petitioner in First Information Report No.533 of 2016 of L.B. Nagar Police Station, Cyberabad. The Memorandum of Understanding, referred to above, 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

February 20, 2017.
PV

