

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.1603 OF 2017

ORDER:

The present Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code') requesting to quash the proceedings in Calendar Case No.4 of 2016, on the file of the VIII Additional Chief Metropolitan Magistrate, Hyderabad.

2. The petitioners herein are arraigned as accused Nos.1 and 2 on the complaint lodged by respondent No.2 – *de facto* complainant.

3. Heard Ms. Farhat Firdous, learned counsel for the petitioners and, the learned Additional Public Prosecutor for the State of Telangana.

4. The petitioner No.1 is nephew of respondent No.2 and petitioner No.2 is friend of petitioner No.1. The petitioner No.1 being son of sister of respondent No.2, succumbed to the request of his sister and agreed to withdraw case registered by him against the petitioners and, therefore, the present petition is filed to quash the charge sheet on the ground that the matter is settled out of Court at the instance of well-wishers and friends as the parties had come to mutual understanding having no further claims against each other.

5. A perusal of the charge sheet itself would show that petitioner No.1 is addicted to lead lavish life and as many as eight

crimes have been shown having registered. Question is, whether the charge sheet can be quashed just basing on the compromise said to have taken place outside Court. Answer is, certainly, not, more particularly, when the offences punishable under Sections 379 and 448 read with 34 IPC have been levelled and the amount being very huge amount and valuables described in the complaint as well as charge sheet have been committed theft.

6. The learned counsel, no doubt, tried to convince the Court that the law declared in **Gian Singh v. State of Punjab**¹ can be made applicable and drawn attention to certain observations of the Hon'ble Supreme Court in the said judgment. As observed in the above, when there are 8 crimes registered against the petitioner No.1 and pending, certainly, the request to quash the proceedings cannot be acceded to. Even the other decision in **CBI, ACB, Mumbai v. Narendra Lal Jain & others**², would not render assistance for the reason, the Hon'ble Supreme Court has held that exercise of power under Section 482 of the Code in the fact-situation occurring therein to quash the proceedings was done by finding fault with the High Court.

7. Therefore, the present petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in the petition, stand closed.

¹. (2012) 10 SCC 303

². Criminal Appeal No.517 of 2014, dated 28.02.2014

8. At this stage, the learned counsel for the petitioners seeks a direction to the learned Magistrate for disposal of the Calendar Case itself within a specific timeline.

9. Keeping in view, the request made by the learned counsel, the learned Magistrate is directed to dispose of the Calendar Case No.4 of 2016 as expeditiously as possible not later than one year from the date of receipt of a copy of the order.

April 06, 2017
Mgr

A. SHANKAR NARAYANA, J

