

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 8306 OF 2017

DATED 12TH OCTOBER, 2017

Between:

Santosh Kumar ... Petitioner

AND

The Mandal Legal Services Committee,
Rep. by its Chairman-cum-Junior Civil Judge,
Vikarabad, Ranga Reddy District,
Telangana State, and others ... Respondents

Counsel for the petitioner : Sri P.Chandrasekhara Reddy

Counsel for respondent Nos. 1 & 2 : Sri J.Anil Kumar

Counsel for respondent Nos. 3, 4 & 9 : G.P. for Home (T.S.)

Counsel for respondent Nos. 5 to 8 : M/s. S.V.Bharatha Lakshmi

Counsel for respondent No. 10 : M/s. D.Sandhya

Counsel for respondent No. 11 : Sri N.Bharat Babu

Counsel for respondent No. 12 : --

THE COURT MADE THE FOLLOWING

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for "Certiorarified Mandamus" to quash Lok Adalat Award dated 02-01-2017 in crime No. 4 of 2016 on the file of the Chairman-cum-Junior Civil Judge, Mandal Legal Services Committee, Vikarabad, Ranga Reddy District (for short, 'M.L.S.C., Vikarabad').

2. For disposal of this Writ Petition, the facts in detail need not be recorded. It will suffice to note that the petitioner is accused in crime No. 4 of 2016 registered for the offence under Sections 420 of the Indian Penal Code and 156 (3) of the Code of Criminal Procedure. The case was referred to M.L.S.C., Vikarabad, on the purported ground of compromise. By docket order dated 02-01-2017, M.L.S.C., Vikarabad, has passed the following order:

"Accused and injured are present before the Lokadalath they agreed to compromise their case before the Lokadalath, they filed petition U/s. 320 (8) of Cr.P.C. and allowed. View of the compromise petition filed the both parties the accused is/are acquitted U/s. 320 (8) of Cr.P.C. In the result the accused is/are acquitted U/s. 320 (8) of Cr.P.C."

3. The petitioner averred in his affidavit that the award was obtained by the *de facto* complainant by playing fraud. In paragraph No. 4 of his affidavit, the petitioner has alleged as under:

"I most humbly beg to state and submit that on 30th day of December, 2016 I was called by the local police, Mangalapuram Police Station, when there I came to know some police people from Telangana State and the Respondent No. 11 are all sitting and I was told by the Sub-Inspector of Police, Yalal Police Station that a complaint has been filed against me under Order of the Judicial First Class Magistrate Court, Thanduru, Ranga Reddy District, Telangana Stae under Sec. 156 (3), basing on the said order the FIR was preferred and basing on the said order of the district Superintendent of Police, Vikarabad (Ranga Reddy) District. Accepting

that I was ready to go along with them for which the Sub-Inspector of Police, Yalal P.S., has given in a written dated 30-12-2016 to addressed to Station House Office of Mangalapuram Police Station, the letter reveals that the alleged offence on me U/Sec. 420 of IPC for which I had not committed any such grievous crime. To oblige the order I went along with the police, Yalal Police Station to the Yalal Police Station, till such time of getting signature in the compromise, the said Lok Adalath compromise contents that I am not aware of it. On 31-12-2016 I was forced to execute document of Rs.50/- Non-Judicial Stamp Paper before the Police, Yalal Police Station, another agreement in the same contents are kept with the 11th respondent herein, in addition to that same 10 promissory notes, each note valid for Rs.3 Lakhs, out of which 10 numbers of Promissory notes in one promissory note the rate of interest mentioned as 3,00,000 Percent per month. In fact I am even seen the Judge in Lok Adalath on the 2nd day of January, 2017, but I was obtained signature by the Police, Yalal Police Station without disclosing what was written on it. When I asked them, they threatened me to go off, with a riddle when I approached my counsel I came to know all the clandestine actions where acted upon towards illegal gain to attained by the 11th respondent with the help of Police, Yalal Police Station."

4. As the petitioner denied knowledge of passing of the award by M.L.S.C., Vikarabad, we have directed respondent No. 1 committee to file a counter affidavit. The F.A.C. Chairman of the said committee has filed her counter affidavit, wherein she has *inter alia* stated as under:

"5 (mistakenly shown as para No. 6). On 02.01.2017 both the parties were present before the Lok Adalat and they agreed to compromise and filed a petition U/s 320 (8) of Cr.P.C. In view of the compromise petition filed by both the parties, the Lok Adalat at Tandur passed the Award by recording the terms of compromise on 2nd Jan 2017."

Along with the counter affidavit, respondent No. 1 has filed a copy of the petition styled as 'petition compounding the offence'. A perusal of the petition shows that

it contains the signature of the victim, the petitioner-accused, his counsel and also that of the Assistant Public Prosecutor. Another signature of a person identifying the victim is also found on the said petition. It is relevant to note that though counter affidavit was received by the counsel for the petitioner as far back as 14-07-2017, no reply affidavit has been filed controverting the contents of the counter affidavit or disputing the correctness of the contents of and the petitioner's signature on the petition compounding the offence. Added to this, the petitioner has not issued any legal notice to the police or the *de facto* complainant alleging that fraud has been committed on him as alleged in his affidavit filed in support of this Writ Petition, either before or after his filing the present Writ Petition.

5. From the above facts, we have no hesitation to hold that the petitioner has come out with false pleas evidently to overcome the Lok Adalat Award passed by M.L.S.C., Vikarabad. Hence, we do not find any merit in this Writ Petition and the same is accordingly dismissed.

6. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 10258 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 12-10-2017.
JSK