

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL M.P. Nos.467 AND 466 OF 2017

IN/AND

CRIMINAL PETITION No.500 OF 2017

COMMON ORDR:

The Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners - accused Nos.1 to 4 and 6 requesting to quash the proceedings against them in C.C. No.468 of 2016 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally at Miyapur arising out of Crime No.415 of 2010 registered for the offences punishable under Sections 419, 420, 423, 468 and 471 read with 120-B of the Indian Penal Code, 1860 (IPC) of Chandanagar Police Station, Cyberabad.

2. Criminal M.P. No.467 of 2017 is filed under Section 320(6) read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking permission to the petitioners and the *de facto* complainant - respondent No.2 viz., P. Bharat to enter into compromise and to compound the alleged offences in C.C. No.468 of 2016.

3. Criminal M.P. No.466 of 2017 is filed by the *de facto* complainant along with his affidavit and a Joint Compromise Memo requesting to compound the offence against the petitioners in C.C. No.468 of 2016.

4. The petitioners are arraigned as accused Nos.1 to 4 and 6 in C.C. No.468 of 2016. However, it is reported that the case against accused No.5 was split up as he was absconding and assigned C.C. No.1087 of 2016. Thus, accused No.5 is not a party to these proceedings.

5. Since some of the offences alleged against the petitioners are non-compoundable, the present petition is filed for recording compromise and to quash the proceedings against them.

6. Heard Sri M.V.V. Arun Kumar, learned counsel for the petitioners, and Sri D. Vijaya Kumar, learned counsel for the *de facto* complainant, and perused the material on record.

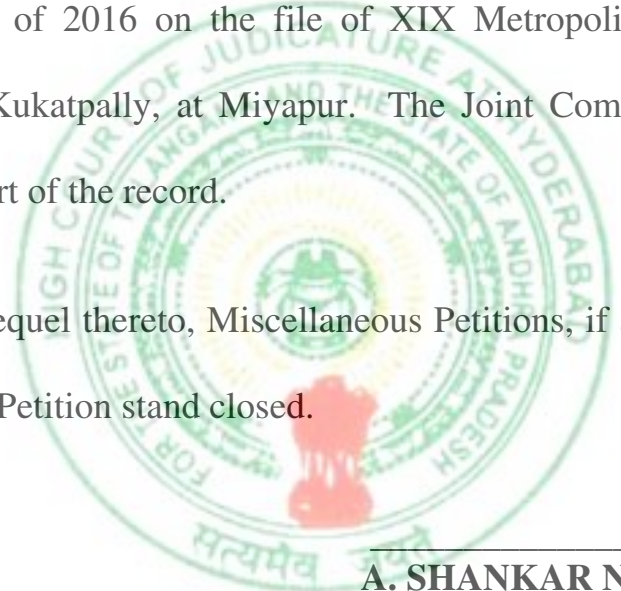
7. The petitioners i.e., accused Nos.1 to 4 and 6 and the *de facto* complainant - respondent No.2 as well as their respective counsel are present and the parties are identified by their respective counsel. The parties have also produced photostat copies of their respective "Aadhaar Cards" in proof of their identity. The parties have affirmed the contents of the Joint Compromise Memo, signed by both parties, filed along with Criminal M.P. No.466 of 2017.

8. In view of the amicable settlement between the parties and in view of the law declared by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹ since the present case falls within the exception carved out therein, where it was held that compromise can

be recorded in a non-compoundable offence and the proceedings can be quashed exercising the power under Section 482 Cr.P.C., Criminal M.P. Nos.467 and 466 of 2017 are allowed permitting the parties to enter into compromise and to compound the offences alleged against the petitioners in C.C. No.468 of 2016 as the parties intend to put an end to the differences between them.

9. Accordingly, the Criminal Petition is allowed quashing the proceedings against the petitioners, accused Nos.1 to 4 and 6, in C.C. No.468 of 2016 on the file of XIX Metropolitan Magistrate, Cyberabad, Kukatpally, at Miyapur. The Joint Compromise Memo 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

January 27, 2017.

NOTE:

Dispatch the order by 30.01.2017.

(BO) PV

¹ 2012 (10) SCC 303