

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.859 OF 2017

IN/AND

CRIMINAL PETITION No.880 OF 2017

AND

CRIMINAL PETITION M.P. No.2701 OF 2017

IN/AND

CRIMINAL PETITION No.2738 OF 2017

COMMON ORDER:

Criminal Petition No.880 of 2017 is filed by accused No.1, viz., Md. Azhar Khan, and Criminal Petition No.2738 of 2017 is filed by accused No.2, viz., Ulfat Patel, respectively, under Section 482 of the Code of Criminal Procedure, 1973 (for short, 'the Code') seeking to quash the proceedings in C.C. No.872 of 2010 and C.C. No.469 of 2015 on the file of II-Metropolitan Magistrate, Cyberabad at L.B. Nagar respectively, for the offence punishable under Section 324 read with Section 34 of IPC.

2. According to both the learned counsel for the parties, C.C. No.469 of 2015 is a split-up case from C.C. No.872 of 2010.

3. Criminal Petition M.P. No.859 of 2017 is filed by Mohammed Abdul Hafeez, who is respondent No.2 in both the Criminal Petitions, being the *de facto* complainant, along with his affidavit, Joint Memo signed and affirmed by both parties and their respective counsel, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the

proceedings against the accused Nos.1 & 2 in C.C. No.872 of 2010 and C.C. No.469 of 2015 respectively stating that with the intervention of the elders, they settled the matter between them, outside Court, in terms of the compromise.

4. The *de facto* complainant, accused No.1 in C.C. No.872 of 2010 and accused No.2 in C.C. No.469 of 2015, as well as their counsel are present and the parties are identified by their respective counsel, Sri C. Prakash and Sri Harinath Nidamanuri. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. On being asked, the *de facto* complainant, accused No.1 in C.C. No.872 of 2010 and accused No.2 in C.C. No.469 of 2015, report that they have compromised the matter through the intervention of the elders settling all the differences between them in terms of the compromise and the *de facto* complainant expressed that he has no grievance of any kind against any of the accused, and to that effect they have also filed Joint Memo entered into by them and request the Court to record the compromise compounding the offences against accused No.1 in C.C. No.872 of 2010 and accused No.2 in C.C. No.469 of 2015, and, consequently to quash the proceedings.

6. Since both the parties have affirmed the terms of the Joint Memo and request to record the compromise compounding the offences against the accused No.1 in C.C. No.872 of 2010 and accused No.2 in

C.C. No.469 of 2015 and to quash the proceedings as the dispute falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹, Criminal Petition M.P. No.859 of 2017 in Criminal Petition No.880 of 2017 and Criminal Petition M.P. 2701 of 2017 in Criminal Petition No.2738 of 2017 are allowed recording the compromise between the parties in terms of the Joint Memo and compounding the offences against the accused No.1 in C.C. No.872 of 2010 and accused No.2 in C.C. No.469 of 2015.

7. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the accused No.1 in C.C. No.872 of 2010 and accused No.2 in C.C. No.469 of 2015 on the file of II-Additional Metropolitan Magistrate, Cyberabad at L.B. Nagar. The Joint Memo entered into by the parties shall form part of the record.

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

A. SHANKAR NARAYANA, J

March 28, 2017
GBS

¹ 2012 (10) SCC 303