

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.3186 & 3187 OF 2017

IN/AND

CRIMINAL PETITION No.3223 OF 2017

AND

CRIMINAL PETITION M.P. Nos.3329 & 3330 OF 2017

IN/AND

CRIMINAL PETITION No.3339 OF 2017

COMMON ORDER:

Criminal Petition No.3223 of 2017 is filed by the petitioners 1 to 3 - accused Nos.1 to 3 under Section 482 of the Criminal Procedure Code, 1908 (for short, 'the Code'), seeking to quash the proceedings in Calendar Case No.1082 of 2015 on the file of II-Metropolitan Magistrate at L.B. Nagar, R.R. District, for the offences punishable under Sections 448, 325, 504 & 506 of IPC read with Section 34 of IPC; whereas Criminal Petition No.3339 of 2017 is filed by the petitioners 1 & 2 - accused Nos.1 & 2 under Section 482 of the Code, seeking to quash the proceedings in Sessions Case No.95 of 2015 on the file of Special Judge for trial of Cases under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VII-Additional District & Sessions Judge at L.B. Nagar for the offences punishable under Sections 3 (1) (x) and 3 (1) (ii) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323 & 324 of I.P.C.

2. Criminal Petition M.P. No.3186 of 2017 in Criminal Petition No.3223 of 2017 and Criminal Petition M.P.No.3329 of 2017 in Criminal Petition No.3339 of 2017 are filed by the *de facto*

complainants, namely, Smt. Kancharla Prashanthi, and Smt. Manne Vijay Latha, respectively, under Section 320 (6) of Cr.P.C. seeking permission to record the compromise in C.C. No.1082 of 2015 on the file of II-Metropolitan Magistrate, L.B. Nagar, R.R. District, and in Sessions Case No.95 of 2015 on the file of Special Judge for trial of Cases under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VII-Additional District & Sessions Judge at L.B. Nagar.

3. Criminal Petition M.P. No.3187 of 2017 in Criminal Petition No.3223 of 2017 and Criminal Petition M.P.No.3330 of 2017 in Criminal Petition No.3339 of 2017 are filed by the *de facto* complainants, namely, Smt. Kancharla Prashanthi, and Smt. Manne Vijay Latha, respectively, under Section 320 (2) of Cr.P.C., along with their affidavits, Joint Memos signed and affirmed by both the 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 to 3 in C.C. No.1082 of 2015 on the file of II-Metropolitan Magistrate, L.B. Nagar, R.R. District, and accused Nos.1 & 2 in Sessions Case No.95 of 2015 on the file of Special Judge for trial of Cases under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VII-Additional District & Sessions Judge at L.B. Nagar, stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise.

4. The *de facto* complainants, namely, Smt. Kancharla Prashanthi, and Smt. Manne Vijay Latha in Criminal Petition No.3223 of 2017 and Criminal Petition No.3339 of 2017, accused Nos.1 to 3 in Criminal Petition No.3223 of 2017 and accused No.2 in Criminal Petition No.3339 of 2017, as well as their counsel are present and the parties are identified by their respective counsel, Sri S. Viplava Simha Reddy and Sri K.S. Jaya Babu. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. The 1st petitioner/accused, No.1 by name Kancharla Jayamma in Criminal Petition No.3339 of 2017 is no more and it is also mentioned in the cause title as well as photostat copy of death certificate is produced.

6. On being asked, the *de facto* complainants, namely, Smt. Kancharla Prashanthi, and Smt. Manne Vijay Latha in Criminal Petition No.3223 of 2017 and Criminal Petition No.3339 of 2017, accused Nos.1 to 3 in Criminal Petition No.3223 of 2017 and accused No.2 in Criminal Petition No.3339 of 2017, report that they have compromised the matter through the intervention of the elders and to that effect they have also filed Joint Memos entered into by them and request the Court to record the compromise compounding the offences against the accused Nos.1 to 3 in C.C. No.1082 of 2015 on the file of II-Metropolitan Magistrate, L.B. Nagar, R.R. District, and accused No.2 in Sessions Case No.95 of 2015 on the file of Special Judge for

trial of Cases under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VII-Additional District & Sessions Judge at L.B. Nagar, respectively, and, consequently to quash the proceedings.

7. Since both the parties have affirmed the terms of the Joint Memos and request to record the compromise compounding the offences against the accused Nos.1 to 3 in Criminal Petition No.3223 of 2017 and accused No.2 in Criminal Petition No.3339 of 2017, and to quash the proceedings as the same falls within the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹ the parties are permitted to enter into compromise by allowing Criminal Petition M.P. Nos.3186 & 3187 of 2017 in Criminal Petition No.3223 of 2017 and Criminal Petition M.P. Nos.3329 & 3330 of 2017 in Criminal Petition No.3339 of 2017.

8. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the accused Nos.1 to 3 in C.C. No.1082 of 2015 on the file of II-Metropolitan Magistrate, L.B. Nagar, R.R. District, and accused No.2 in Sessions Case No.95 of 2015 on the file of Special Judge for trial of Cases under Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act-cum-VII-Additional District & Sessions Judge at L.B. Nagar. The Joint Memos entered into by the parties shall form part of the record.

¹ 2012 (10) SCC 303

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

A. SHANKAR NARAYANA, J

Dt. 24.04.2017
gbs

