

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.3303 OF 2017

IN/AND

CRIMINAL PETITION No.17204 OF 2016

AND

CRIMINAL PETITION M.P. Nos.3304 & 3305 OF 2017

IN/AND

CRIMINAL PETITION No.17205 OF 2016

COMMON ORDER:

Criminal Petition No.17204 of 2016 is filed by the petitioner/accused, under Section 482 of the Criminal Procedure Code, 1908 (for short, 'the Code'), seeking to quash the First Information Report in Crime No.124 of 2014 on the file of Station House Officer, I-town P.S., Vizianagaram, for the offences punishable under Sections 354A (i) (iv), 354-D (i) & (ii) & 509 of IPC and Sections 66-A & 67-A of Information Technology Act; whereas Criminal Petition No.17205 of 2016 is filed by the petitioners 1 to 3-accused Nos.1, 2 & 4 under Section 482 of the Code, seeking to quash the First Information Report in Crime No.99 of 2013 of Station House Officer, Woman Police Station, Vizianagaram, for the offences punishable under Section 498-A of IPC and Sections 3, 4 & 6 (2) of Dowry Prohibition Act.

2. Criminal Petition M.P. No.3304 of 2017 in Criminal Petition No.17205 of 2016 is filed by the proposed petitioner No.3/accused No.4 to permit him to enter into compromise with the 2nd respondent/*de facto* complainant along with accused Nos.1 & 2 through General Power of Attorney-holder Sri Kola Venkata Sivanath

Reddy, who is arraigned as accused No.1, stating that he Court not attend the Court as he is residing in U.S.A.

3. Criminal Petition M.P. No.3303 of 2017 in Criminal Petition No.17204 of 2016 and Criminal Petition M.P.No.3305 of 2017 in Criminal Petition No.17205 of 2016 are filed by the 2nd respondent/*de facto* complainant, Smt. Kola Sailaja, along with her affidavit, Joint Memos signed and affirmed by both the parties and their respective counsel, Special Power of Attorney dated 30.1.2017 executed by accused No.4 -Kola Venkata Narsi Reddy in favour of accused No.1-Kola Venkata Shivrath Reddy, requesting to permit the parties to compromise the matter and to compound the offences, and consequently to quash the First Information Report against the accused in Crime No.124 of 2014 on the file of Station House Officer, I-town P.S., Vizianagaram, for the offences punishable under Sections 354A (i) (iv), 354-D (i) & (ii) & 509 of IPC and Sections 66-A & 67-A of Information Technology Act, and against the accused Nos.1, 2 & 4 in Crime No.99 of 2013 of the Station House Officer, Woman Police Station, Vizianagaram, for the offences punishable under Section 498-A of IPC and Sections 3, 4 & 6 (2) of Dowry Prohibition Act, respectively, stating that with the intervention of the elders, they settled the matter between them, outside the Court, in terms of the compromise.

4. The 2nd respondent/*de facto* complainant - Smt. Kola Sailaja, accused in Criminal Petition No.17204 of 2016; accused

Nos.1 & 2 and accused No.4 Kola Venkata Narsi Reddy through his General Power of Attorney - Sri Kola Venkata Shivanadh Reddy (accused No.1) in Criminal Petition No.17205 of 2016, as well as their counsel are present and the parties are identified by their respective counsel, Sri Sai Gangadhar Chamarty and Sri G. L. Nageswar Rao. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. Since the learned counsel for the petitioners represented that he had already filed another Criminal Petition of the year 2013 concerning the other accused is with the other court as per the roster and they are going to compromise on the same lines of the compromise herein. Hence, both the matters are taken up for recording the compromise.

6. On being asked, the 2nd respondent/*de facto* complainant- Smt. Kola Sailaja and accused in Criminal Petition No.17204 of 2016 and accused Nos.1 & 2 and accused No.4 -Kola Venkata Narsi Reddy through General Power of Attorney - Kola Venkata Shivanadh Reddy (accused No.1) in Criminal Petition No.17205 of 2016, 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 in Crime No.124 of 2014 on the file of Station House Officer, I-Town P.S., Vizianagaram,

and against the accused Nos.1, 2 & 4 in Crime No. Crime No.99 of 2013 of Station House Officer, Woman Police Station, Vizianagaram, 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 in Criminal Petition No.17204 of 2016 and accused Nos.1, 2 & 4 in Criminal Petition No.17205 of 2016, 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. No.3303 of 2017 in Criminal Petition No.17204 of 2016 and Criminal Petition M.P. Nos.3304 & 3305 of 2017 in Criminal Petition No.17205 of 2016.

8. Accordingly, both the Criminal Petitions are allowed, at the admission stage itself, quashing the proceedings against the accused in Crime No.124 of 2014 on the file of Station House Officer, I-Town P.S., Vizianagaram, and against the accused Nos.1, 2 & 4 in Crime No.99 of 2013 of the Station House Officer, Woman Police Station, Vizianagaram. The Joint Memos entered into by the parties as well as Special Power of Attorney, dated 30.1.2017 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 shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 24.04.2017
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