

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CRIMINAL PETITION No.405 of 2011

ORDER:

This criminal petition is filed under Section 482 Cr.P.C. by the petitioner/A1 to quash the FIR in crime No.248 of 2010 on the file of Miryalagudan I Town Police Station, Nalgonda District, registered for the offences punishable under Sections 420, 467, 471 and 120-B read with Section 34 of IPC.

The petitioner herein is accused No.1. The *de facto* complainant filed a private complaint against the petitioner and others before Judicial Magistrate of First Class, Miryalguda, Nalgonda District for the aforesaid offences. The learned Magistrate referred the complaint dated 26.11.2010 to police under Section 156 (3) Cr.P.C. Thereafter, the police registered the above crime against the petitioner and others. Subsequent to filing of the above complaint, the *de facto* complainant and others filed suit O.S.No.43 of 2007 on 03.08.2007 on the file of I Additional District and Sessions Judge, Nalgonda District against the petitioner and others for declaration of title and recovery of possession of suit schedule property. The said suit was dismissed on 25.09.2012. Aggrieved by the said Judgment, the complainant and others preferred an appeal in A.S.No.47 of 2013 before this Court. At request of both parties, the appeal has been referred to Lok

Adalat for settlement. Thereafter, an Award, dated 12.09.2015 was passed.

Learned counsel for the petitioner filed a copy of Award, dated 12.09.2015 in A.S.No.47 of 2013. Clause No.4 of the terms and conditions of the said Award reads as follows:

“The Appellants 1 to 3 hereby unequivocally withdraw all their claim in respect of suit property in its entirety and further undertake to initiate immediate steps to secure closure of C.C.No.356 of 2011 pending on the file of Additional Judicial First Class Magistrate, Miryalguda by filing appropriate petition for withdrawal of the same and also withdrawal of Crime No.248/2010 (P.S. Miryalguda-I Town) or file appropriate petition for withdrawal of the said crime and also consent for allowing criminal petition No.405 on the file of Hon’ble High Court at Hyderabad.”

Learned counsel for the petitioner further submitted that as per the terms and conditions of the Award, the complainant and others have to withdraw this petition, hence, prayed to quash the proceedings in Crime No.248 of 2010.

Learned counsel representing Sri P.S.P.Suresh Kumar, learned counsel for respondent No.1 and the learned Public Prosecutor submitted that since the matter is settled before Lok Adalat, no cause survive in this petition and the proceedings in Crime No.248 of 2010 may be quashed.

Considering the representation of both the counsel that the dispute between the parties are settled before the Lok Adalat, they do not require any orders in this petition.

In the result, the Criminal Petition is disposed of as no orders are required in this petition in the light of compromise before the Lok Adalat.

The Miscellaneous Petitions, if any, pending shall stand closed.

GUDISEVA SHYAM PRASAD,J

Date : 12.10.2017
ssp

