

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.3356 & 3357 OF 2017

IN/AND

CRIMINAL PETITION No.3352 OF 2017

COMMON ORDER:

Criminal Petition No.3352 of 2017 is filed by the petitioners - accused No.1, under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings in Calendar Case No.808 of 2013 on the file of VIII-Additional Chief Metropolitan Magistrate, Hyderabad, for the offences punishable under Sections 406, 420, 468 & 471 of IPC read with Section 34 of I.P.C.

2. Criminal Petition M.P. No.3356 of 2017 is filed by the 2nd respondent/*de facto* complainant, Smt. Fatima Barkatunnisa, under Section 320 (6) of Cr.P.C. to permit her to enter into compromise with the petitioner - accused No.1 in the aforesaid Calendar Case.

3. Criminal Petition M.P. No.3357 of 2017 is filed by the 2nd respondent/*de facto* complainant, Smt. Fatima Barkatunnisa, under Section 320 (2) of Cr.P.C. along with her affidavit, Joint Memo 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 No.1 stating that with the intervention of the elders and well-wishers the matter has been amicably settled.

4. The *de facto* complainant, accused No.1, as well as their counsel are present and the parties are identified by their respective counsel, Sri Khaled Bin Sayeed and Sri Mohd. Muzaffer Ullah Khan. 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 learned counsel for the 2nd respondent/*de facto* complainant and the learned counsel for the accused No.1 report that the 2nd petitioner/accused No.2 is none other than the husband of the 1st petitioner/accused No.1 is no more and he died on 25.2.2014 during pendency of the proceedings, and, in case Memo is filed before the learned Magistrate, the learned Magistrate would have recorded the abatement of the proceedings against the accused No.2 (deceased).

6. On being asked, 2nd respondent/*de facto* complainant in the Criminal Petition and accused No.1 report that with the intervention of the elders and well-wishers the matter has been amicably settled.

7. 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 and to quash the proceedings and as the same falls within the guidelines laid down by the Hon’ble Supreme Court in **Gian Singh v. State of Punjab**¹, Criminal Petition M.P. Nos.3356 & 3357 of 2017 are allowed recording the

¹ 2012 (10) SCC 303

compromise between the parties in terms of the Joint Memo and compounding the offences against the accused No.1.

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the accused No.1 in C.C. No.808 of 2013 on the file of VIII-Additional Chief Metropolitan Magistrate, Hyderabad. The Joint Memo entered into by the parties, shall form part of the record.

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

Dt. 24.04.2017
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A. SHANKAR NARAYANA, J

