

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.P.M.P.No.3555 of 2017 in CRL.P.No.17315 of 2016,
CRL.P.M.P.No.3556 of 2017 in CRL.P.No.17316 of 2016,
CRL.P.M.P.No.3557 of 2017 in CRL.P.No.17317 of 2016,
CRL.P.M.P.No.3558 of 2017 in CRL.P.No.17318 of 2016,
CRL.P.M.P.No.3559 of 2017 in CRL.P.No.17319 of 2016,
CRL.P.M.P.No.3560 of 2017 in CRL.P.No.229 of 2017

AND

CRL.P.Nos.17315, 17316, 17317, 17318, 17319 of 2016 &
229 of 2017

COMMON ORDER:

Criminal Petition Nos.17315, 17316, 17317, 17318 & 17319 of 2016 and 229 of 2017, under Section 482 of the Code of Criminal Procedure, 1973, are filed by the petitioners-accused No.1 to 8 seeking to quash the proceedings in C.C.No.2456 of 2016 on the file of the XI Additional Chief Metropolitan Magistrate, Secunderabad, for the offences punishable under Sections 201 to 203 and 120-B of I.P.C.

Sri Vinod Kumar Deshpande and Sri A.Sudershan Reddy, learned Senior Counsel, representing Ms. Shireen Sethna Baria, learned counsel for respondent No.2 – *de facto* complainant, would submit that respondent No.2 - *de facto* complainant in all these Criminal Petitions and the petitioners – accused have resolved the subject dispute by entering into compromise and request to permit the petitioners to enter into compromise and record the compromise as per the terms in the Joint Memos dated 26.04.2017 filed along with the compromise petitions.

Sri D.V.Seetharamamurthy and Sri T.Niranjan Reddy, learned Senior Counsel, representing Sri B.Mayur Reddy, learned counsel for the petitioners, would agree as to the parties entering into compromise and request to record the compromise by permitting the parties to enter into compromise.

Crl.P.M.P.Nos.3555, 3556, 3557, 3558, 3559 & 3560 of 2017 in the aforesaid Criminal Petitions are filed by the *de facto* complainant-2nd respondent, along with the affidavits, Joint Memos dated 26.04.2017 signed and affirmed by both parties and their counsel, and General Power of Attorney, requesting to permit the parties to record the compromise and in terms thereof, to compound the offences alleged against the accused, and consequently to allow the Criminal Petitions by quashing the proceedings in C.C.No.2456 of 2016 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad.

Accused No.1 – BMW India Private Limited represented by its Managing Director Sri Philipp Von Sahr, now represented by its Company Secretary - Sri Vineet Agarwal, is present. Accused No.3 – Sanjiv Shah, accused No.4 – Vikrant Singh, accused No.6 – Shilpi Ahuja and accused No.8 – Sharang Rathore are also present. Accused No.2 – Rodney Alan Woods, accused No.5 – Uwe Oswald Hoefer and accused No.7 – Mihir Dayal are also represented by the Company Secretary, Sri Vineet Agarwal, by virtue of the resolution passed by accused No.1 Company in his favour to represent them. Respondent

No.2 – *de facto* complainant is present. The parties are identified by their respective counsel, Sri B.Mayur Reddy, learned counsel for the petitioners, and Ms. Shireen Sethna Baria, learned counsel for the 2nd respondent-*de facto* complainant.

On being questioned, the *de facto* complainant and the petitioners reported that the issue has been settled amicably. They also stated that Criminal Appeal No.144 of 2017 on the file of I-Metropolitan Sessions Judge, Nampally, Hyderabad, will be withdrawn by the *de facto* complainant, who has undertaken to do so as per the terms contained in para No.4 of the Joint Memos referred to above.

Since both the parties have affirmed the terms of the Joint Memo referred to above and requested to record the compromise compounding the offences and to quash the proceedings against the petitioners-accused Nos.1 to 8 in the aforesaid Calendar Case and in view of the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹, Crl.P.M.P.Nos. 3555, 3556, 3557, 3558, 3559 & 3560 of 2017 are allowed recording compromise between the parties in terms of the Joint Memos referred to above, compounding the offences alleged against the petitioners-accused Nos.1 to 7 in the aforesaid Calendar Case.

Accordingly, the Criminal Petition Nos.17315, 17316, 17317, 17318, 17319 of 2016 & 229 of 2017 are allowed, at the admission

¹ 2012 (10) SCC 303

stage itself, quashing the proceedings against the petitioners-accused Nos.1 to 8 in C.C.No.2456 of 2016 on the file of XI Additional Chief Metropolitan Magistrate, Secunderabad. Consequently, all the restrictions and conditions imposed on the petitioners to travel abroad are removed.

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

A. SHANKAR NARAYANA, J

April 26, 2017.

Note: Issue CC by 01.05.2017.

B/o
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