

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. Nos.3235 & 3236 OF 2017

IN/AND

CRIMINAL PETITION No.12536 OF 2014

COMMON ORDER:

Criminal Petition No.12536 of 2014 is filed by the petitioners – accused Nos.2 & 3 under Section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings in C.C. No.1327 of 2013 on the file of XI-Additional Chief Metropolitan Magistrate, Secunderabad, for the offences punishable under Section 420, 465, 468 & 471 of IPC read with Section 34 of IPC.

2. Criminal Petition M.P. No.3236 of 2017 is filed by the 2nd respondent/*de facto* complainant - M.A. Basith, through his General Power of Attorney Holder, Sri Mohd. Abdul Hakeem, under Section 320 (6) of Cr.P.C., requesting to permit him to enter into compromise with the petitioners/accused Nos.2 & 3. Photostat copy of General Power of Attorney dated 14.3.2016 executed by the 2nd respondent/*de facto* complainant is filed.

3. Criminal Petition M.P. No.3235 of 2017 is filed by the 2nd respondent/*de facto* complainant - M.A. Basith, through his General Power of Attorney Holder Sri Mohd. Abdul Hakeem, under Section 320 (2) of Cr.P.C. along with his affidavit, Joint Memo signed and affirmed by both the parties. They request to permit them to compromise the offences and to compound the offences, and

consequently to quash the proceedings against the petitioners/ accused Nos.2 & 3 in C.C. No.1327 of 2013 on the file of XI-Additional Chief Metropolitan Magistrate, Secunderabad, stating that with the intervention of the elders, they settled the matter between them, outside the Court.

4. The 2nd respondent/*de facto* complainant - M.A. Basith, through his General Power of Attorney Holder Sri Mohd. Abdul Hakeem, accused Nos.2 & 3, as well as their counsel are present and the parties are identified by their respective counsel, Sri N. S. Bhaskara Rao and Sri J. Prabhakar. The parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

5. On being asked, the 2nd respondent/*de facto* complainant - M.A. Basith, through his General Power of Attorney Holder - Sri Mohd. Abdul Hakeem, accused Nos.2 & 3, report that that they have compromised the matter at the intervention of the elders and to that effect they have also filed Joint Memo entered into by them and Photostat copy of General Power of Attorney dated 14.3.2016 executed by the 2nd respondent/*de facto* complainant is filed and request the Court to record the compromise compounding the offences against the accused Nos.2 & 3, and, consequently to quash the proceedings. The learned counsel for the petitioners would submit that in fact O.S. No.119 of 2009 on the file of XX-Additional Chief Judge,

City Civil Courts, Secunderabad, filed for permanent injunction, was compromised on 10.11.2016.

6. Since both the parties have affirmed the terms of the Joint Memo, and request to record the compromise compounding the offences against the accused Nos. 2 & 3 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 the parties are permitted to enter into compromise by allowing Criminal Petition M.P. No.3235 & 3236 of 2017.

7. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the proceedings against the accused Nos.2 & 3 in C.C. No.1327 of 2013 on the file of XI-Additional Chief Metropolitan Magistrate, Secunderabad. The Joint Memo entered into by the parties and Photostat copy of General Power of Attorney dated 14.3.2016 executed by the 2nd respondent/*de facto* complainant shall form part of the record.

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

A. SHANKAR NARAYANA, J

Dt. 27.04.2017
gbs

¹ 2012 (10) SCC 303