

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION M.P. No.2315 OF 2017

IN/AND

CRIMINAL PETITION No.2352 OF 2017

COMMON ORDER:

The present Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code'), is filed by the petitioners - accused Nos.1 & 2 seeking to quash the First Information Report in Crime No.50 of 2014 of Cyber Crime Police Station, CCS, Hyderabad, for the offences punishable under Sections 66, 66A, 66D of the Information Technology Act, 2008 and Section 419 of I.P.C., on the complaint by the 2nd respondent/*de facto* complainant.

2. Criminal Petition M.P. No.2315 of 2017 is filed under Section 320 (6) of the Code by the 2nd respondent/*de facto* complainant along with affidavit and 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 petitioners - accused Nos.1 & 2 stating that with the intervention of the elders, they have settled the disputes between them, outside the Court, in terms of the compromise.

3. The *de facto* complainant, accused Nos.1 & 2, as well as their counsel are present and the parties are identified by their respective counsel, Sri T. Nagarjuna Reddy and Sri Zakir Ali Danish. The

parties have produced photostat copies of their respective “Aadhaar Cards” in proof of their identity and also attested on the case bundle.

4. On being asked, the *de facto* complainant and accused Nos. 1 & 2, report that they have compromised the matter through the intervention of the elders in terms of the compromise and to that effect they have also filed Joint Memo entered into by them and request the Court to record the compromise compounding the offences against accused Nos.1 & 2, and, consequently to quash the proceedings.

5. Learned Additional Public Prosecutor for the State of Telangana would submit that charge-sheet is filed before the XII-Additional Chief Metropolitan Magistrate, Nampally, alleging the offences punishable under Sections 66, 66C & 66D of Information Technology Act, 2008 and Sections 120B, 419, 420, 468, and 201 read with Section 34 of I.P.C. However, the learned Additional Public Prosecutor would submit that the cognizance is yet to be taken by the learned Magistrate and it is pending.

6. Therefore, there is no necessity to retain the petition pending and as such the present criminal petition can be taken up for the purpose of recording the compromise.

7. The offence under Section 419 of IPC is compoundable with the permission of the Court, whereas the offences under the Information Technology Act, 2008 are compoundable offences in view of the proviso to Section 77A of Information Technology Act. But, so far as the other non-compoundable offences under Indian Penal Code are concerned since the subject-matter is between the 1st

petitioner and the *de facto* complainant, keeping in view the guidelines laid down by the Hon'ble Supreme Court in **Gian Singh v. State of Punjab**¹, and, more particularly, the 1st petitioner is no other than the wife of the 2nd respondent/*de facto* complainant, permission is granted to compromise the offences as the *de facto* complainant expressed that he has no grievance of any kind against the petitioners 1 & 2 – accused Nos.1 & 2, Criminal Petition M.P. No.2315 of 2017 is allowed.

8. Accordingly, the Criminal Petition is allowed, at the admission stage itself, quashing the First Information Report in Crime No.50 of 2014 of Cyber Crime Police Station, CCS, Hyderabad against the petitioners 1 & 2 – accused Nos.1 & 2. In view of the order passed in the present criminal petition, charge-sheet filed before the XII-Additional Chief Metropolitan Magistrate, Nampally will not be taken cognizance. The Joint Memo entered into the parties 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. 28.03.2017

Note:- CC by 31.3.2017

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¹ 2012 (10) SCC 303