

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CRL.R.C.M.P.No.2042 of 2017 in CRL.R.C.No.80 of 2016,
CRL.R.C.M.P.No.2043 of 2017 in CRL.R.C.No.81 of 2016,
CRL.R.C.M.P.No.2044 of 2017 in CRL.R.C.No.256 of 2016,
CRL.R.C.M.P.No.2045 of 2017 in CRL.R.C.No.257 of 2016,
CRL.R.C.M.P.No.2046 of 2017 in CRL.R.C.No.436 of 2016,
CRL.R.C.M.P.No.2047 of 2017 in CRL.R.C.No.437 of 2016,
CRL.R.C.M.P.No.2048 of 2017 in CRL.R.C.No.457 of 2016,

AND

CRL.R.C.Nos.80, 81, 256, 257, 436, 437 & 457 of 2016.

COMMON ORDER:

Criminal Revision Case Nos.80, 81, 256, 257, 436, 437 and 457 of 2016 arise out of the proceedings in Calendar Case No.1 of 2016 on the file of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad. The petitioners herein, who are accused Nos.1 to 7 in the said Calendar Case, are aggrieved by the order dated 01.01.2016, passed by the learned Magistrate in taking cognizance of the said case.

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 revisions 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.

Criminal R.C.M.P.Nos.2042, 2043, 2044, 2045, 2046, 2047 & 2048 of 2017 in Criminal Revision Case Nos.80, 81, 256, 257, 436, 437 and 457 of 2016, respectively, are filed by the 2nd respondent-*de facto* complainant, along with the affidavits, Joint Memos dated 26.04.2017 signed and affirmed by both parties and their respective counsel, Certificates of the Notarial Services Authority and 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 Revisions by quashing the proceedings in C.C.No.1 of 2016 on the file of XII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, and also to extinguish all restrictions and conditions imposed on the petitioners-accused to secure the ends of justice.

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 and accused No.4 – Vikrant Singh are also present. Accused No.2 – Martin Linder, accused No.5 – Ralf Bissinger, accused No.6 – Stefan David Schlipf and accused No.7 – Peter Friedrich Kronschnabl 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 also 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, accused Nos.3 & 4 and the Company Secretary Sri Vineet Agarwal, representing accused Nos.1,2,5, 6 and 7, reported that the issue has been settled amicably.

Since both the parties have affirmed the terms of the Joint Memos referred to above and requested to record the compromise compounding the offences and to quash the proceedings against the petitioners-accused Nos.1 to 7 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, Criminal R.C.M.P.Nos.2042, 2043, 2044, 2045, 2046, 2047 & 2048 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 Revision Case Nos. 80, 81, 256, 257, 436, 437 and 457 of 2016 are allowed, at the admission stage itself, quashing the proceedings against the petitioners-accused Nos.1 to 7 in C.C.No.1 of 2016 on the file of XII Additional Chief Metropolitan

¹ 2012 (10) SCC 303

Magistrate, Nampally, Hyderabad. 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 Revision Cases, stand closed.

A. SHANKAR NARAYANA, J

April 26, 2017.

Note: Issue CC by 01.05.2017.

B/o
V V

