

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.NO: 1 OF 2017
IN/AND
CRIMINAL PETITION NO: 24723 OF 2017

BETWEEN:-

1. Mr.Mohd.Abbas Khan,
S/o. Late Mohd.Yaseen Khan
Aged about 51 years, Occ: Business,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad
2. Mrs.Fatima Khatoon,
W/o.Late Mohd.Yaseen Khan
Aged about 75 years, Occ: Housewife,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad
3. Mr.Gaffar Khan,
S/o. Late Mohd.Yaseen Khan
Aged about 39 years, Occ: Business,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad
4. Mrs.Rizwana Fathima,
W/o.Syed Mahmood,
Aged about 49 years, Occ: Housewife,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma, Hyderabad
...Petitioners/Accused Nos.1 to 4
AND
1. The State of Telangana,
Rep. by its Public Prosecutor,
Through PS Kalapathar
Hyderabad
High Court at Hyderabad
For the State of Telangana &
The State of Andhra Pradesh

2. Asia Parveer,
W/o.Mohd. Abbas Khan,
Aged about 39 years, Occ: Household,
R/o.H.No.16-2-24/57, Kalapathar
Hyderabad

...Respondents/
Defacto Complainant

Petition Under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court will be pleased to quash the proceedings in CC No 749/2016 on the file of III Additional Metropolitan Magistrate, at Hyderabad, in Crime No.155/2016 of P.S. Kalapathar dated 19/10/2016 against the petitioner/ Accused Nos.1to 4 herein in the interest of justice.

I.A.NO. 1 OF 2017:

BETWEEN:

Asia Parveen, W/o.Mohd.Abbas Khan,
Aged about 39 years, Occ: Household,
R/o.H.No.19-2-24/57, Kalapathar
Hyderabad

...Petitioner/Respondent No.2/
Defacto-complainant

AND

1. Mr.Mohd.Abbas Khan,
S/o. Late Mohd.Yaseen Khan
Aged about 51 years, Occ: Business,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad

2. Mrs.Fatima Khatoon,
W/o.Late Mohd.Yaseen Khan
Aged about 75 years, Occ: Housewife,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad

3. Mr.Gaffar Khan,
S/o. Late Mohd.Yaseen Khan
Aged about 39 years, Occ: Business,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma,
Hyderabad

4. Mrs.Rizwana Fathima,
W/o.Syed Mahmood,
Aged about 49 years, Occ: Housewife,
R/o.H.No.19-3-262/6,
Jahanuma, Falaknuma, Hyderabad

...Respondents/Petitioners/Accused Nos.1
to 4

5. The State of Telangana,
Rep. by its Public Prosecutor,
Through PS Kalapathar
Hyderabad
High Court at Hyderabad
For the State of Telangana &
The State of Andhra Pradesh

...Respondent No.5/Respondent No.1

Petition Under Section 320 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court will be pleased to grant leave to the petitioner (defacto complainant) and the Respondent Nos.1 to 4/ Accused Nos.1 to 4 to enter into compromise and allow above criminal petition accordingly in terms of compromise between them by quashing the charge sheet in CC No.749/2016 on the file of III Additional Chief Metropolitan Magistrate, at Hyderabad in Cr.155 of 2016 of PS, Kalapathar, dated 19/10/2016 in the interest of justice.

I.A.NO.2 OF 2017:

Petition Under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court will be pleased to stay of all further proceedings in CC No.749/2016 on the file of III Additional Chief Metropolitan Magistrate, at Hyderabad in Crime No.155/2016 of Police Station Kalapathar, dated 19/10/2016 including the appearance of the petitioner/ Accused Nos.1 to 4.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments Sri Nazir Ahmed Khan, Advocate, for the petitioner in Crl.P. and R1 to R4 in IA No.1/2017 and of the Public Prosecutor (TG) on behalf of the Respondent No.1 in Crl.P. and R5 in IA No.1/2017 and of Sri L.Ram Singh, Advocate, for the Respondent No.2 in Crl.P. and Petitioner in IA No.1/2017.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.No.1 OF 2017
IN/AND
CRIMINAL PETITION NO.24723 OF 2017

ORDER:

I.A.No.1 OF 2017

This miscellaneous petition is filed under Section 320 of Cr.P.C seeking permission to compromise and compound the offences to quash the proceedings in **C.C.No.749 of 2016**, for the offence punishable under Sections 498-A, 323, 506 IPC & Sections 3 & 4 of Dowry Prohibition Act.

The petitioners/A-1 to A-4 and the second respondent/defacto complainant are present and they are identified by their respective counsel and produced Photostat copies of Aadhar cards to prove their identity.

A joint memo dated 16.10.2017 is filed by both the parties, when terms of compromise are explained in Urdu language by Learned Public Prosecutor for the State of Telangana, they are admitted to be true and correct. Further, it is now submitted that, both the petitioners/A-1 to A-4 and the second respondent/defacto complainant voluntarily entered into compromise due to intervention of elders and well-wishers and they wanted to lead peaceful life.

Therefore, I find that the compromise is voluntary in the interest of both parties and permission is granted to compound the offence. Hence, compromise is recorded in terms of the joint memo

dated 16.10.2017 filed along with this petition. Accordingly, this petition is ordered.

Cr.P.NO.24723 OF 2017

In view of the orders passed by this Court in I.A.No.1 of 2017, this criminal petition is allowed.

Registry is directed to annex a copy of joint memo dated 16.10.2017 filed by both the parties, to this order.

Consequently, miscellaneous applications pending if any, shall also stand closed. No costs.

Sd/-M.MANJULA
ASSISTANT REGISTRAR

Note: Amended as per Order dated 24/12/2021 in IA 1/2021 in Cr.P.No.24723/2017 by replacing CC No.63/2016 as "CC No.749/2016. This Order substitute the order dated 29/12/2017 which was dispatched on 29/01/2018.

Sd/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The III Additional Chief Metropolitan Magistrate, at Hyderabad.
2. The Station House Officer, Kalapathar Police Station, Hyderabad.
3. One CC to Sri Nazir Ahmed Khan, Advocate (OPUC)
4. One CC to Sri L.Ram Singh, Advocate (OPUC)
5. Two CD Copies

Kj.



HIGH COURT

DATED:29/12/2017

DATED: 24/12/2021

AMENDED ORDER

I.A.NO.1 OF 2017

IN/AND

CRLP.No.24723 of 2017



Allowing the Crl.P.

(7)

VW
3/2/22

HIGH COURT OF JUDICATURE AT HYDERABAD;
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

~~Crl.M.P.No.~~ ^{T-4}) of 2017
In
Crl.P.No. 2-472-3, of 2017

BETWEEN:

Mr.Mohd.Abbas Khan & Others

...Petitioners/Accused Nos.1 to 4

AND

1. The State of Telangana,
Rep. by its Public Prosecutor,
Through PS Kalapathar Hyderabad
2. Asia Parveen

...Respondents/Defacto Complainant.

JOINT MEMO

May it Please Your Honour,

It is humbly submitted that, the Petitioners have got filed the above criminal petition to quash the C.C.No. ²⁴⁹63/2016 on the file of III Addl. Chief Metropolitan Magistrate, at Hyderabad in Cr.155 of 2016 of PS Kalapathar, dt.19-10-2016. However the Respondent No.2 who has filed the said complaint entered into Compromise with the Petitioners, and the Respondent No.2 want to withdraw her complaint against the Petitioners registered in FIR No.155/2016 dt.19-10-2016 who were subsequently charge sheeted in C.C.No. ²⁴⁹63/2016.

Hence the Joint Memo is being filed herewith for the aforesaid purpose.

Dt: 16-10-2017
Hyderabad.

Nasir Ahmed Khan
Counsel for Petitioners/Accused Nos.1 to 4

1. Mr. Mohd. Abbas Khan/A1



2. Mrs. Fatima Khatoon/A2

[Signature]

3. Mr. Gaffar Khan/A3

Rizwana

4. Mrs. Rizwana Fathima/A4

Asia

Asia Parveen

[Signature]

Counsel for Respondent No.2