

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.39932 of 2016

Date: 19.07.2018

Between :

Sanskuthi Township Flat Owners Welfare Association,
Ghatkesar Mandal, Ranga Reddy District.

... Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Home Department, Secretariat,
Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONER : Mr. G. Thirupathi Reddy
for Mr. P. Raja Sripathi Rao

COUNSEL FOR RESPONDENTS : AGP for Home for R1 to R3
Mr. P. Rajeswara Rao for R4
(not appeared)
None appeared for R5
Mr. N. Arjun Kumar for R6
Mr. J. Anil Kumar, SC for R7

THE COURT MADE THE FOLLOWING:

ORDER: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Certiorari to quash the Lok Adalat Award dated 16.05.2016, whereby Crime No.215 of 2013 on the file of XIII Metropolitan Magistrate, Cyberabad at L.B. Nagar, Ranga Reddy District, against respondent Nos.4 and 5 was closed.

Though Sri P. Rajeswara Rao, learned counsel entered appearance for respondent No.4, he is not present at the time of hearing and there is no representation on his behalf. Despite service of notice, none entered appearance for respondent No.5. We have heard Sri G. Thirupathi Reddy, counsel representing Sri P. Raja Sripathi Rao, learned counsel for the petitioner – Association, Sri N. Arjun Kumar, learned counsel for respondent No.6, and Sri J. Anil Kumar, learned Standing Counsel for the Telangana State Legal Services Authority, representing respondent No.7.

While, it is the pleaded case of the petitioner – Association that the above criminal case registered against respondent Nos.4 and 5 was unauthorisedly withdrawn by respondent No.6, who ceased to be the President of the petitioner – Association at the time of entering into the compromise with respondent Nos.4 and 5, learned counsel for respondent No.6, while admitting that respondent No.6 demitted his office as President at the time of his

entering into the compromise, as he happened to be the complainant, at the request of the petitioner – Association, he signed on the compromise leading to closing of the criminal complaint. Respondent No.6 has not filed any material in support of his submission that the management of the petitioner – Association, at the relevant time, has given instructions, either oral or in writing, to withdraw the complaint against respondent Nos.4 and 5. However, as the dispute falls in the realm of the disputed question of fact, it is inappropriate for this Court to decide the same. Inasmuch as, the petitioner – Association is not a party to the compromise, if it feels that respondent Nos.4 and 5 need to be prosecuted, it shall be free to do so, notwithstanding the impugned Lok Adalat Award dated 16.05.2016.

Subject to the liberty given to the petitioner – Association, as above, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, WPMP.No.49197 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

19.07.2018.
Msr

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