

THE HON'BLE SRI JUSTICE P.KESHAVARAO

CRIMINAL PETITION No.5141 of 2018

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel for the 2nd respondent and the learned Public Prosecutor appearing for the 1st respondent--State.

2) The prayer sought in the Criminal Petition is as under:

"...to quash the proceedings against the petitioner/ accused No.2 in Crime No.868 of 2017 on the file of SHO, Kukatpally Police Station, Cyberabad in terms of compromise and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case."

3) During pendency of Criminal Petition, the 2nd respondent has filed an application in I.A. No.1 of 2018 seeking permission of this Court to compromise the proceedings in Crime No.868 of 2017 on the file of SHO, Kukatpally P.S, Cyberabad for the offences punishable under Section 304-A IPC against the petitioner/ accused No.2.

4) In the affidavit filed in support of the application, it is stated that he lodged a complaint stating that his wife was admitted in Add Life Hospital on 25.11.2017 for delivery. At 1.30 p.m. he was informed that his wife delivered a baby boy. However, he was informed that his wife was suffering infection in lungs and she was kept in ICU and asked him to take her to OMNI Hospital. In the OMNI Hospital, they informed that she was brought dead. Therefore, he filed a complaint which is registered as crime No.868 of 2017 for the offence punishable under Section 304-A IPC. However, during pendency of the said crime, the 2nd respondent shown the reports to the known doctor, who opined that there is no deficiency of service by the petitioner's hospital. Therefore, the 2nd respondent realized that the complaint was lodged by mistake and it was purely on misunderstanding. Therefore, to resolve the dispute, 2nd respondent

wanted to withdraw the allegations made in the complaint against the petitioner unconditionally.

In the open Court, when questioned the 2nd respondent, he admitted that he wanted to withdraw the complaint against the petitioner herein since there is no deficiency of service on his part. The 2nd respondent has been identified by Sri V.Murali Manohar, learned counsel for the 2nd respondent. The I.D. proof of the 2nd respondent is placed on record in the material papers. Since the 2nd respondent filed an application, the same is recorded and the said petition is allowed.

In view of passing of orders in I.A. No. 1 of 2017, no further orders are required in criminal petition and accordingly the proceedings initiated against the petitioner in Crime No.868 of 2017 on the file of SHO, Kukatpally, Cyberabad, for the offence punishable under Section 304-A IPC are quashed.

Accordingly, the criminal petition is allowed.

Date: 02.05.2018
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P.KESHAVARAO,J

