

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

I.A.No.3 of 2018 & CrI.R.C.No.1601 of 2018

ORDER:

I.A.No.3 of 2018 is filed for compromise of the matter in the revision and for quash of the proceedings as against the petitioner/accused in CrI.R.C.No.1601 of 2018.

2. CrI.R.C.No.1601 of 2018 is arising out of the order dated 21.08.2017 passed in CrI.A.No.821 of 2014 by the XIII Additional District & Sessions Judge, R.R. District at L.B. Nagar, confirming the judgment dated 30.09.2014 made in C.C.No.12 of 2014 by the Special Magistrate II, Cyberabad at Rajendranagar.

3. The petitioner is the accused in C.C.No.12 of 2014, wherein he was convicted for the offence under Section 138 of Negotiable Instruments Act (N.I.Act) and sentenced to undergo rigorous imprisonment for a period of six months and to pay an amount of Rs.2,50,000/- towards compensation to the complainant in two instalments within two months from the date of judgment, in default, to suffer simple imprisonment for a period of six months. Being aggrieved, the petitioner has filed CrI.A.No.821 of 2014 before XIII Additional District & Sessions Judge, Ranga Reddy District. The same was dismissed vide order dated 21.08.2017. Aggrieved by the same, the present revision has been preferred by the petitioner/accused.

4. Learned counsel for the petitioner has filed a Joint Memo on behalf of the petitioner/accused and the *defacto* complainant/respondent No.1, which is signed by both the parties.

5. Learned counsel for the petitioner submits that the matter has been settled out of the Court by the intervention of the elders, and in view of the compromise of the matter, they sought for quashing the proceedings against the petitioner in this revision. In view of the Provision under Section 147 of Negotiable Instruments Act (N.I.Act), every offence is punishable under the Act, shall be compoundable.

6. In view of the above mentioned provision, the Joint Memo filed by the both parties, is accepted.

7. The father of the petitioner is present before this Court along with his counsel Ms.Sunitha Kumar, advocate, representing Sri M. Laxman Rao, and the respondent No.1/*defacto* complainant is present before this Court along his counsel Ms.Dhana Laxmi Tallapalem. The *defacto* complainant stated that he received an amount of Rs.2,50,000/- towards compensation amount awarded by the trial Court.

8. Having regard to the facts and circumstances of the case, in view of the Joint Memo filed by both the parties and

since the offence is compoundable, the petitioner is acquitted of the charge under Section 138 of N.I. Act.

9. In view of the Compromise, I.A.No.3 of 2018 is allowed. Consequently, CrI.R.C.No.1601 of 2018 is disposed of.

Miscellaneous Petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J.

Date : 02-11-2018
Note : C.C. tomorrow.
(B/o)
Gvl

