

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

I.A. Nos.1 AND 2 OF 2018

IN/AND

CRIMINAL PETITION No.10901 OF 2018

COMMON ORDER:

The main Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioners - accused Nos.1 to 3 viz., Syed Omer, Syed Razi Ullah and Mohammed Awais, to quash the proceedings against them in Crime/FIR No.122 of 2018, dated 16.06.2018, on the file of Asifnagar Police Station, Hyderabad City, Telangana State, registered for the offences punishable under Sections 341 and 353 read with 34 of the Indian Penal Code, 1860 (for short 'IPC').

2. The petitioners herein are accused Nos.1 to 3 in the aforesaid Crime, and respondent Nos.1 and 2 are complainants. Both parties entered into compromise and filed I.A. No.1 of 2018 under Section 320 (6) of the Code to permit them to enter into compromise and I.A. No.2 of 2018 under Section 320 (2) of the Code to compound the offences by recording the compromise.

3. The petitioners - accused and respondent Nos.1 and 2 are present and they are identified by their respective counsel and produced Photostat copies of Aadhar Cards in proof of their identity. When the terms and conditions of compromise are explained in vernacular language, they admitted to be true and correct.

4. On enquiry, the parties stated that they settled the issue outside the Court due to intervention of elders and well-wishers and they intend to lead peaceful life.

5. The offence punishable under Sections 341 IPC is compoundable offences. Whereas, the offence punishable under Section 353 IPC is non-compoundable. Normally, the offence under Section 353 IPC cannot be quashed on the basis of a compromise. However, in the instant case, the complainant does not intend to pursue the complaint it can be compounded as the same will not come in the way when the parties entered into compromise.

6. Further, since the employees themselves entered into compromise and it is purely an offence personal in nature not against the society in interest and the compromise is voluntary, I find that it is a fit case to grant permission to compound the offences. Hence, compromise is recorded in terms of joint memo filed along with the petition.

7. Accordingly, I.A. Nos.1 and 2 of 2018 are allowed. Consequently, the present Criminal Petition is also allowed quashing the proceedings against accused Nos.1 to 3 in Crime/FIR No.122 of 2018, dated 16.06.2018, on the file of Asifnagar Police Station, Hyderabad City, Telangana State.

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

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 12, 2018

Mgr

