IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

I.A.Nos.2 AND 3 of 2020
IN/AND
CRIMINAL PETITION NO: 4187 OF 2020

Common C.T in I.A.Nos.2 AND 3 of 2020

Between:

Sonu Ghadge, W/o Julian Fernandes, Aged about 33 years, Occ. Private Employee, R/o. H.No. 1-10-1/41/A, Kushaiguda (Rachakonda Limits), Hyderabad

...Petitioner/Complainant

AND

1. The State of Telangana, represented by its Public Prosecutor through S.H.O,P.S. Kushaiguda High Court, Hyderabad.

...Respondent/Complainant

2. Julian Savio Fernandes, S/o. Jude Fernandes, aged about 33 years, Occ. Private Employee R/o. H.No. 1-10-1/41/A, Nagarjunanagar Colony, Kushaiguda, Hyderabad
3. Dr.Serena J.D'Souza, D/o. Jerome D Souza, aged about 61 years, Occ. Scientist D, R/o. D-1, Nari Staff Quarters, Pune city, Maharastra State
4. Clavia ora Fernandes, W/o. Jude Sebastian, aged about 68 years, Occ. House wife R/o. Plot No. 8, Old Bowenpally, Secbad

...Respondents

I.A.No.2 of 2020 :

Petition Under Section 320 (6) of Crl.P.C praying that in the circumstances stated in the Affidavit filed therewith, the High Court may be pleased to permit the Petitioner/ complainant and Respondents/A1-3 to enter in to the compromise in connection with FIR. No.570 of 2020, dated.09/08/2020 of Police Station Kushaiguda) (U/Sec.498-A, 307 IPC) in the interest of justice.

I.A.No.3 of 2020 :

Petition under Section 320 (2) of Crl.P.C praying that in the circumstances stated in the Affidavit and Joint Memo of Compromise filed therewith, the High Court may be pleased to record the compromise in pursuant to the FIR. No.570 of 2020, dated.09/08/2020 of Police Station Kushaiguda) (U/Sec.498-A, 307 IPC) in the interest of justice.

CRIMINAL PETITION NO: 4187 OF 2020

Between:

1. Julian Savio Fernandes, S/o. Jude Fernandes aged about 33 years, Occ. Private Employee R/o. H.No. 1-10-1/41/A, Nagarjunanagar Colony, Kushaiguda, Hyderabad
2. Dr.Serena J.D'Souza, D/o. Jerome D Souza, aged about 61 years, Occ. Scientist D, R/o. D-1, Nari Staff Quarters, Pune city, Maharastra State
3. Clavia ora Fernandes, W/o. Jude Sebastian, aged about 68 years, Occ. House wife R/o. Plot No. 8, Old Bowenpally, Secbad

...Petitioners/Accused 1 to 3

AND

1. The State of Telangana and another, Rep. by its Public Prosecutor through SI/S.H.O,P.S. Kushaiguda (Rachakonda Limits), High Court, Hyderabad.

...Respondent

2. Sonu Ghadge, W/o Julian Fernandes, Aged about 33 years, Occ. Private Employee, R/o. H.No. 1-10-1/41/A, Kushaiguda (Rachakonda Limits), Hyderabad

...Respondent/ De- facto Complainant

Petition under Section 482 of Crl.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to quash the proceedings in FIR. 570 of 2020, dated.09/08/2020 of Police Station Kushaiguda, (Rachakonda Limits), with regard to the alleged offence U/Sec.498-A, 307 IPC, against the petitioners/A1 to 3 and de-facto complaint/R2 herein pending disposal of the Criminal Petition.

I.A. NO: 1 OF 2020

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 may be pleased to stay of all further proceedings in pursuant to the FIR. 570 of 2020, dated.09/08/2020 of Police Station Kushaiguda, (Rachakonda Limits), with regard to the alleged offence U/Sec.498-A, 307 IPC, against the petitioners/A1-3 and de-facto complaint/R2 herein pending disposal of the Criminal Petition.

These Petitions coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and Compromise Petition and upon hearing the arguments of Sri Ale Prakash Aditya, Advocate for the Petitioner in I.A.No.2 and 3 of 2020 and Respondent No.2 in Criminal Petition and Sri Konda Krishna, Advocate for the Respondent Nos.2 to 4 in I.A.No. 2 and 3 of 2020 and Petitioners in Criminal Petition and Public Prosecutor on behalf of the Respondent No.1 in both I.A.No. 2 and 3 of 2020 and Respondent No.1 in Criminal petition.

The Court made the following: COMMON ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

I.A.Nos.2 AND 3 of 2020
IN/AND
CRIMINAL PETITION No.4187 OF 2020

COMMON ORDER:

This Criminal Petition is filed by the petitioners/A-1 to A-3 in FIR No.570 of 2020 of SHO, Kushaiguda Police Station, Hyderabad, registered for the offences punishable under Sections 498-A and 307 of IPC, to quash the proceedings in the above said crime.

During the pendency of the present Criminal Petition, the parties have compromised the matter and, accordingly, respondent No.2-*de facto* complainant filed I.A.Nos.2 and 3 of 2020 to record the compromise and to compound the offences in FIR No.570 of 2020.

Vide order dated 22.09.2020, this Court, after recording the submissions made by the learned counsel for the petitioners as well as respondent No.2, directed the parties to appear before the Registrar (Judicial) of this Court for their identification and also directed the Registrar (Judicial) to submit a report by 09.10.2020. In compliance with the said order dated 22.09.2020, the Registrar (Judicial) has submitted his report dated 06.10.2020.

In the report dated 06.10.2020 of the Registrar (Judicial), it is stated that on oral examination, respondent

No.2 has stated that she had filed a complaint against the petitioners before Kushaiguda Police Station (Rachakonda limits) and that the same was registered as FIR No.570 of 2020 for the offences under Section 498-A and 307 of IPC and and that now she has approached this Court for recording the compromise.

The parties herein have filed a joint affidavit of compromise dated 16.09.2020. The said joint affidavit of compromise dated 16.09.2020 and the report of the Registrar (Judicial) dated 06.10.2020 are placed on record.

In view the said report and also in view of the compromise entered between the petitioners and respondent No.2, I.A. Nos.2 and 3 are allowed. Consequently, the Criminal Petition is allowed and the proceedings in FIR No.570 of 2020 of SHO, Kushaiguda Police Station, Hyderabad, are hereby quashed.

Miscellaneous Petitions, pending if any, shall stand closed.

Sd/- K. SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. The XIX Additional Metropolitan Magistrate Cyberabad, at Malkajgiri.
2. The Station House Officer, Kushaiguda Police Station, (Rachakonda Limits), Hyderabad
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana, at Hyderabad [OUT]
4. One CC to Sri Konda Krishna, Advocate [OPUC]
5. One CC to Sri Ale Prakash Aditya, Advocate [OPUC]
6. Two CD Copies
(Along with a copy of Joint Memo)

MMK

HIGH COURT

DATED:13/10/2020

COMMON ORDER

I.A.Nos.2 AND 3 of 2020
IN/AND
CRLP.No.4187 of 2020



ALLOWING THE I.A. Nos. 2&3 OF 2020 IN TERMS OF COMPROMISE AND ALLOWING THE CRL.P.

29/10/2020.

MEMORANDUM OF CRIMINAL PETITION
(Under Section 482 of Code of Criminal Procedure)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
Crl. P. No 4187 Of 2020
Against
(FIR. No.570/2020, dt.09-08-2020 of P.S. Kushaiguda)
(U/Sec.498-A, 307 IPC)

BETWEEN:

1. Julian Savio Fernandes, S/o. Jude Fernandes
aged about 33 years, Occ; Pvt. Employee
R/o. H.No. 1-10-1/41/A, Nagarjunanagar Colony,
Kushaiguda, Hyderabad

2. Dr.Serena J.D'Souza, D/o. Jerome D Souza
aged about 61 years, Occ; Scientist D,
R/o. D-1, Nari Staff Quarters, Pune city,
Maharastra State

3. Clavia ora Fernandes, W/o. Jude Sebastian
aged about 68 years, Occ; House wife
R/o. Plot No. 8, Old Bowenpally, Sec,bad ...Petitioners/
A 1 to3

AND

1. The State of Telangana, Rep. by its Public Prosecutor
through SI/S.H.O, P.S. Kushaiguda
(Rachakonda Limits), High Court, Hyderabad. ..Respondent

2. Sonu Ghadge, W/o Julian Fernandes,
Aged about 33 years, Occ: Pvt., Employee,
R/o. H.No: 1-10-1/41/A, Kushaiguda
(Rachakonda Limits), Hyderabad ...Respondents/
De- facto Complainant

JOINT AFFIDAVIT FILED BY PETITIONERS/A-1 -3 AND RESPONDENT/ COMPLAINANT

We Julian Savio Fernandes, S/o. Jude Fernandes, aged about 33 years, Occ; Pvt. Employee, R/o. H.No. 1-10-1/41/A, Nagarjunanagar Colony, Kushaiguda, Hyderabad

AND

I Sonu Ghadge, W/o Julian Fernandes, Aged about 33 years, Occ: Pvt., Employee, R/o. H.No: 1-10-1/41/A, Kushaiguda (Rachakonda Limits), Hyderabad herein as such we well acquanted with facts of the case and we deposing herein.

1. I humbly submit that due to mis-understanding I lodged a complaint in the P S of Kusaishguda on 09.08.2020 wherein I stated in my complaint that one Julian Savio Fernandes, S/o. Jude Fernandes ie., 1st petitioner in this case herein and myself working in the same company and also having love affair between us, and A-1 proposed me to marry but, on my enquiry A1 is engaged with another girl and my self asked A1 with regard to the said fact and A2 & 3 were insisting their son to give divorce and do another marriage, and they are harassing and threatening with dire consequences. On the date of the incident, A-1 came to my house in a drunken condition, quarrelled and further brought a knife and tried to stab by me and I was stopped A1 in the said incident, and then I got injury in my left hand and immediately I complained to 100 Number police. The above said facts are narrated in my complaint, now the said matter is amicably settled with the elders of my family members and A1 family members.

3. I humbly submit that hence this matter is settled and compromised out of the court.

4. I humbly submit that as already stated the matter was amicably settled before elders as the said complaint is filed on the misconception as there is no incident took place.

5. I humbly submit that under the circumstances, I express my regret and after conversing with my well-wishers about the whole episode, I feel satisfied. If this Hon'ble Court, under the powers vested under section 482 of CR PC to close the FIR No. 570 of 2020 dt.09-08-2020 by quashing the same in the interest of justice.

6. I humbly submit that I have deposed the facts in this affidavit out of my own free will and consent and without any coercion, duress or undue influence of whatsoever nature after understanding its consequences.

For the reasons stated above, the petitioner herein prays that this Hon'ble court may be pleased to compound the offence in pursuant to the FIR No.570/2020, dt.09-08-2020of P.S. Kushaiguda)(U/Sec.498-A, 307 IPC) in terms of the compromise between Petitioners/A1 to 3 and Respondents-2/defacto complainant herein and to pass such appropriate orders as this Hon'ble Court deems fit and proper in the interests of justice.

Sworn and signed
On this the 16th day of September, 2020
at Hyderabad

Before me

Advocate - Hyderabad

1 2 3

...Petitioner/ Complainant

..Respondents/ Accused

Counsel for the petitioner/
Complainant

Counsel for the Respondents/
Accused