

HONOURABLE SRI JUSTICE P. KESHA RAO

I.A. Nos. 2 and 5 of 2019

AND

CRIMINAL REVISION CASE No.2188 of 2014

COMMON ORDER:

Heard the learned counsel for the petitioner and the de facto complainant/respondent No.2.

I.A.No.2 of 2019 is filed by the 2nd respondent/de facto complainant to compound the offence under Section 408 IPC and allow the criminal revision case by setting aside the judgment passed in CrI.A.No.635 of 2014 dated 24.09.2014 on the file of the Metropolitan Sessions Judge, Hyderabad, confirming the conviction and sentence imposed in C.C.No.631 of 2011 dated 12.06.2014 on the file of the XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad.

I.A.No.5 of 2019 is filed by the 2nd respondent/de facto complainant to record the compromise accorded between him and the 1st respondent/accused by compounding the offences in C.C.No.631 of 2011 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, against respondent No.1/accused for the offence under Sections 408 and 420 IPC by allowing the CrI.R.C.No.2188 of 2014.

In the affidavits filed in support of both the applications, the petitioner/respondent No.2 stated that he filed a suit in O.S.No.453 of 2012 against the 1st respondent/revision petitioner on the file of the IX Additional Chief Judge, City

Civil Court, Hyderabad, and the same was decreed. Aggrieved by the said judgment and decree, the 1st respondent/revision petitioner, who is the defendant in the said suit, has filed an appeal vide CCCA.No.96 of 2018 in this Court. Subsequently, the parties have compromised the above case by entering into a compromise. The petitioner prayed that he may be permitted to compromise the case by compounding the offence in C.C.No.631 of 2011 on the file of the XVII Additional Chief Metropolitan Magistrate, Hyderabad, and record the same. A copy of the joint memo filed by the revision petitioner and respondent No.2 indicates that they have compromised the subject matter of the above criminal case and CCCA.No.96 of 2018 pending on the file of this Court out of free will and consent and they accordingly executed a memorandum of compromise, wherein the revision petitioner/accused promised to pay a sum of Rs.10 lakhs to the 2nd respondent towards full and final settlement of the suit claim and the petitioner/de facto complainant (respondent No.2) agreed to withdraw C.C.No.631 of 2011 unconditionally.

On a question raised by this Court, the de facto complainant/respondent No.2, who is present in the Court, admitted that he was paid Rs.10 lakhs by the revision petitioner/accused.

Both the parties present and are identified by their respective counsel. They produced the Xerox copies of the Aadhaar cards and the same are made as part of the record.

Having heard both the counsel and in the light of the terms mentioned in the joint memorandum filed by both the parties and in view of the averments made in the affidavits filed in support of the applications, I.A.Nos.2 and 5 of 2019 are allowed.

Consequently, the criminal revision case is allowed. The conviction and sentence recorded against the revision petitioner/accused by the Metropolitan Sessions Judge, Hyderabad, in CrI.A.No.635 of 2014 dated 24.09.2014 confirming the judgment passed in C.C.No.631 of 2011 dated 12.06.2014 by the XVII Additional Chief Metropolitan Magistrate, Nampally, Hyderabad, are set aside and the accused is acquitted of the offence punishable under Section 408 IPC.

Miscellaneous petitions, if any, shall stand closed.

P. KESHA RAO, J

Date: 07.01.2020.
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