

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.4291 of 2019

ORDER:

Heard Sri Muppu Ravinder Reddy, learned counsel for the petitioners, learned Additional Public Prosecutor who is representing respondent No.1-State as well as Sri C.Sharan Reddy, learned counsel appearing for respondent No.2-defacto complainant.

2. The present Criminal Petition is filed under Section 482 Cr.P.C. seeking the Court to quash the proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 and 2 in C.C.No.437 of 2016 that is pending on the file of the Court of XVII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally.

3. Stating that the dispute is purely civil in nature and that there is amicable settlement between the parties, learned counsel for the petitioners brought to the notice of this Court the joint memo dated 14.3.2014, filed before the Court of Chief Judge, City Civil Court, Hyderabad, in Transfer

O.P.No.2059 of 2012 that stood pending on the file of the said Court. The said joint memo reads as under:-

“1.It is submitted that the petitioner and the respondent had entered into out of Court settlement on the intervention of the well wishers and accordingly, the suit filed by the petitioner vide O.S.No.1368 of 2012 on the file of the Hon’ble V Senior Civil Judge at Hyderabad shall be withdrawn unconditionally (suit dismissed as NOT PRESSED).

2. It is submitted that the suit filed by the respondent vide O.S.No.1250 of 2012 on the file of the Hon’ble X Junior Civil Judge at Hyderabad shall be withdrawn unconditionally (suit dismissed as NOT PRESSED).

3. It is submitted that the petitions filed with various government departments and other agencies including the Police department (Special Branch) by one Mr. V.Janardhan reddy shall also be withdrawn by the said person who had filed any of such other material papers/applications with the said department. F.I.R.No.423 of 2012.”

4. Basing on the said joint memo, learned counsel for the petitioners contends that the civil suits pending in respect of the subject matter were settled between the parties and in the joint memo, there is a clear mention that all cases

including the case that is pending basing on the complaint given by respondent No.2 herein shall be withdrawn. But, as the charge sheet in the present case was laid subsequently, the proceedings could not be terminated. There is a clear mention of the case number i.e., case in Crime No.423 of 2012.

5. The present Criminal Petition is filed seeking the Court to quash the proceedings in the charge sheet which is laid basing on the F.I.R. that is referred to in the joint memo.

6. Learned counsel for respondent No.2 fails to deny the genuineness of the contents of the joint memo and also that the dispute is purely civil in nature.

7. Therefore, having considered the submissions made that there is amicable settlement between the parties and the dispute is purely civil in nature, this Court is of the view that the request of the petitioners can be honoured.

8. Resultantly, this Criminal Petition is allowed. The proceedings that are pending against the petitioners, who are arrayed as accused Nos.1 and 2 in C.C.No.437 of 2016 that is

pending on the file of the Court of XVII Additional Chief Metropolitan Magistrate, Hyderabad at Nampally, are hereby quashed.

9. As a sequel, the Miscellaneous Petitions pending, if any, shall stand closed. Interim order granted by this Court on 24.7.2019 stands vacated.

Dr. JUSTICE CHILLAKUR SUMALATHA

01.3.2023
DR