

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION NO: 11275 OF 2023

Between:

Adepu Prashanth, S/o. Srinivas Aged about 30 years, Occ- Business, R/o. H.No. 2-337/1, Market area, Sulthanabad, Peddapalli District, T.S.

...PETITIONER/ACCUSED

AND

1. The State of Telangana, through, P.S. Pet Basheerabad, Rep.by Public Prosecutor, High Court, Hyderabad.

..Respondent.

2. Ashok Kumar Nagunoori, S/o.Shankaraiah Age 55 years, Occ- Business, R/o. Plot No.204, beside Balaji Hospital, Barathi Avas, Canton Park Lane Cyberabad, Telangana.

...Defacto COMPLAINANT/Respondent.

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 Quash the proceedings in S.C.NO.1153 of 2021 On the file of Principal Senior Civi Judge, Medchal, Medchal-Malkagiri District (Crime No.238/2020 of PS Pet Basheerabad) against the petitioner/Accused.

I.A. NO: 1 OF 2023

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 including appearance of the petitioner S.C.No.1153 of 2021 On the file of Principal Senior Civil Judge, Medchal, Medchal-Malkagiri District pending disposal of quash petition.

I.A. NO: 3 OF 2023

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 record the compromise and quash the proceedings against the Petitioner/Accused in Crime No.238/2020 U/Sec.307, 448 r/w 34 IPC of P.S. Pet Basheerabad.

I.A. NO: 2 OF 2023

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 permit the Petitioners herein to compound the offences with the Respondent No.2 herein by recording compromise and by allowing the Criminal petition filed by the petitioner against Crime No.238/2020 U/Sec.307, 448 r/w 34 IPC of P.S. Pet Basheerabad.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri PRAVEEN BONKURI, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No.1 and of Sri Badam Arvind Kumar, Advocate for the Respondent No.2.

The Court made the following **ORDER**:

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

CRIMINAL PETITION No. 11275 of 2023

ORDER:

In this Criminal petition, the petitioner as well as respondents have filed I.A.Nos.2 & 3 of 2023 for compounding the offence with the respondent No.2 for recording the compromise and to quash the proceedings against the petitioner/accused in Crime No.238/2020, under Sections 307, 448 r/w 34 of IPC on the file of P.S.Pet Basheerabad and to pass such other or orders in the interest of justice.

2. The matter was referred to the Secretary, Telangana High Court Legal Services Committee for verification and identification of the parties. The parties have appeared before the Committee on 24.11.2023 and a report dated 24.11.2023 was furnished before this Court submitting that the identification of the parties was established. However, at the time of recording the compromise, it is noticed that one of the offences under which the accused is charged is under Section 307 of IPC, which is a non-compoundable offence.

3. Learned counsel for the petitioner, however, submitted that there was no intention on the part of the accused to cause any grievous hurt to the victim i.e., daughter of the respondent No.2 and therefore, the ingredients of Section 307 of IPC are absent and hence, the case can be considered for compounding. It is submitted that the daughter of respondent No.2 is now married and living happily and therefore, there is a compromise between the respondent No.2 and the petitioner and therefore, the same should be recorded and the quash proceedings should be allowed.

4. Learned counsel for the petitioner also placed reliance upon the judgment of the Delhi High Court in the case of **Kamesh and Others Vs. State of Delhi and Others**¹, wherein the Court observed that where the parties are living in the same neighbourhood and they know each other for a long time and Cross-FIRs were registered regarding the same incident, it means that the injuries were suffered by the accused side also and both the parties want to bury their past and lead a happy life without having any grievance against each other and therefore, the offence under Section 307 of IPC, in such

¹ 2022/1DHC/004202

circumstances can be compounded. He also placed reliance on the decision of the High Court of Punjab and Haryana in the case of **Gurpreet Singh and Others Vs. State of Punjab and Others**², wherein the High Court has permitted quashing of the FIR on the basis of compromise by observing that the trial Court has deleted the Sections 307, 148, 188 of IPC & Section 25 of the Arms Act.

5. In the case before this Court, it is noticed that the compromise is in between the accused and the respondent No.2 and statement of victim has not been recorded. Further, as seen from the contents of the complaint, the incident has not occurred on the spur of a moment, but the accused had come to the victim and her family and tried to attack the respondent No.2 in the market place and subsequently he followed them to their house, trespassed into the complainant's apartment and attacked the complainant's daughter with a knife in the parking area and thereafter, he attacked the complainant also. Further, it is also noticed that the accused had quarreled with the complainant at their native place on an earlier occasion and though the issue was compromised on mutual understanding,

² CRM-23609-2021 in/and CRM-M-16489-2021

the accused bore grudge towards the complainant and attacked them with an intention to kill. Therefore, it appears to be a case of compromise only to escape the trial under Section 307 of IPC.

6. The correctness or otherwise of such allegations would only come out during the course of trial. Therefore, this Court is not inclined to allow the recording of compromise for the offence under Section 307 of IPC and the quash petition is dismissed and the petitioner is directed to appear before the Trial Court to prove his case. The Trial Court is however, directed to conclude the trial expeditiously, preferably within a period of Six (6) months from the date of receipt of a copy of this order.

7. Accordingly, This Criminal Petition is dismissed.

8. Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

SD/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

Cfr

//TRUE COPY//

SECTION OFFICER

To,

1. The XXII Addl. Metropolitan Magistrate, Cyberabad at Medchal.
2. One CC to SRI. PRAVEEN BONKURI Advocate [OPUC]
3. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad. [OPUC]
4. Two CD copies.

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HIGH COURT

DATED:22/12/2023



ORDER

CRLP.No.11275 of 2023

CRL.P. IS DISMISSED.

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