

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

I.A. Nos. 3 and 4 of 2023

IN/AND

CRIMINAL PETITION NO: 12277 OF 2023

Between:

1. Gulam Hyder, S/o. Late Sri Gulam Jilani, Age about 35 years, Occ. Kirana Business, R/o.H.No.19-3-1089/A/109, Jahanuma, Madina, Hyderabad.
2. Mohammed Marief-Ui-Haq alias Azhar, S/o. Mohammed Yaseen, Aged about 35 years, Occ. Business R/o H. No. 7-84/4, Sadath Nagar Errakunta, Pahadishareef, Ranga Reddy District

...PETITIONERS/ACCUSED No. 4 & 6

AND

1. The state of Telangana, Rep by Public Prosecutor, High Court at Hyderabad.

...RESPONDENT No.1

2. Hasan Barakba @ Hassan Bin Salam Barabba, S/o Salm sulthana Barakba Aged about 36 years, occ. Private Employee (Chenchalguda Petrol pump), R/o Salala, Barkas, Hyderabad District, Telangana State.

...RESPONDENT No.2/DEFACTO -COMPLAINANT

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 against the Petitioners/Accused No.4 and 6 in P.R.C.No.53/2019 on the file of I Additional Metropolitan Magistrate, Rachakonda, Rangareddy District At L.B.Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar) with regard to the alleged offence U/s.147,307 R/w. Section 149 IPC in terms of compromise between Petitioners/Accused No.4 and 6 and Respondent No.2/ Defacto-Complainant Memorandum of Understanding dt.04-12-2023.

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 grant stay of all further proceedings including appearance of the

Petitioners/Accused No. 4 and 6 in PRC No.53 of 2019 on the file of the 1st Additional Metropolitan Magistrate, Rachakonda, Ranga Reddy District at L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar).

I.A. NO: 3 OF 2023

Petition under Section 320 (6) 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 Petitioner/Defacto Complainant to compound the offence against the Respondent No.2 and 3 / Accused No. 4 and 6 in PRC No. 53 of 2019 on the file of the 1st Addl. Chief Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar) in pursuance of compromise under MOU dt. 08.12.2023.

I.A. NO: 4 OF 2023

Between:

Hasan Barakba @ Hassan Bin Salam Barabba, S/o Salm sulthana Barakba, Aged about 40 years, occ. Private Employee (Chenchalguda Petrol pump), R/o Salala, Barkas, Hyderabad District, Telangana State.

...PETITIONERS/DEFATO-COMPLAINANT

AND

1. The state of Telangana, Rep by Public Prosecutor, High Court at Hyderabad.
2. Gulam Hyder, S/o. Late Sri Gulam Jilani, Age about 39 years, Occ. Kirana Shop, R/o.H.No.19-3-1089/A/109, Jahanuma, Madina, Hyderabad.

...RESPONDENT No.1/COMPLAINANT

3. Mohammed Marief-Ul-Haq alias Azhar, S/o. Mohammed Yaseen, Aged about 35 years, Occ. Business R/o H. No. 7-84/4, Sadath Nagar Errakunta, Pahadishareef, Ranga Reddy District

...RESPONDENT Nos. 2 & 3/ACCUSED No. 4 & 6

Petition under Section 320(2) 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 in terms of Joint Memo and MOU dt . 08.12.2023 in pursuant to the PRC No. 53 of 2019 on the file of the 1st Addl. Chief Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar).

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri R. GOPI MOHAN, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of A.B. Jyotsna, for the Respondent No. 2

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

I.A.Nos.3 and 4 of 2023

in/and

CRIMINAL PETITION No.12277 of 2023

COMMON ORDER:

It is submitted by learned counsel for the petitioners /accused Nos.4 & 6 and respondent No.2/*de facto* complainant that during pendency of the present Criminal Petition, the parties have compromised the matter and accordingly, I.A.Nos.3 and 4 of 2023 have been filed to record the compromise between them and to compound the alleged offences.

2. Vide order dated 14.12.2023 in Crl. Petition No.12277 of 2023, this Court directed the parties along with their respective counsel to appear before the Secretary, High Court Legal Services Committee, High Court for the State of Telangana, Hyderabad, for identification and to submit a report.

3. Pursuant to the above said direction issued by this Court, the Secretary, High Court Legal Services Committee, has identified the parties and submitted a report, dated 23.12.2023 and the same is placed on record.

4. In view of the above, I.A.Nos.3 and 4 of 2023 are allowed. Consequently, this Criminal Petition is allowed and the proceedings in PRC No.53 of 2019 on the file of the I Additional Metropolitan Magistrate, Rachakonda, Ranga Reddy District at L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar), against the petitioners/accused Nos.4 & 6 are hereby quashed subject to their paying an amount of Rs.5,000/- (Rupees Five Thousand Only) to the Director, Sainik Welfare, Hyderabad (Savings A/c.No.52188926279, State Bank of India, Shantinagar Branch (20070), IFSC Code: SBIN0020070, MICR No.500004057) and Rs.5,000/- (Rupees Five Thousand Only) to the Telangana High Court Advocates Association, Hyderabad, within a period of two (02) weeks from today and file proof of the same before the Registry.

Miscellaneous applications, if any pending, shall stand closed.

Sd/- T. VIJAY KUMAR
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

- To,
1. The I Additional Metropolitan Magistrate, Rachakonda, Rangareddy District At L.B.Nagar
 2. The Hon'ble XIV Metropolitan Magistrate, Cyberabad at L.B. Nagar
 3. The Station House Officer, Balapur Police Station, Rachakonda.

4. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad. (OUT)
5. One CC to Mr. R Gopi Mohan, Advocate [OPUC]
6. One CC to Mr. AB. Jyotsna, Advocate [OPUC]
7. Two CD Copies

RC/DL

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Note: Amount of Rs. 5,000/- (Rupees Five thousand only) has been paid by Mr. R. GOPI MOHAN, Counsel for the Appellant as directed by the Hon'ble Court vide order dated 29.12.2023 to the " Director, Sainik Welfare Hyderabad , (Savings A/c No. 52188926279) State Bank of India, Shantinagar, Branch 9200700, IFSC Code: SBIN0020070, MICR No. 500004057) and Rs. 5,000/- (Rupees Five Thousand Only) to the Telangana High Court Advocates Association, Hyderabad, filed Memo as proof of compliance USR No. 6096 of 2024 dated 23.01.2024.

HIGH COURT

TMD,J

DATED:29/12/2023



ORDER

I.A. Nos. 3 and 4 of 2023

IN/AND

CRIMINAL PETITION NO: 12277 OF 2023

ALLOWING THE CRIMINAL PETITION & I.A.s

(10) Cps

Sm
11/3/24

Memorandum of Criminal Petition Miscellaneous Petition
(Under Section 320 (2) of Cr.P.C)
HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

I.A.No. 4 of 2023

IN
CRLP.No. 2277 of 2023

Between:

Hasan Barakba @ Hassan Bin Salam Barabba
S/o Salm sulthana Barakba
Aged about 40 Years, Occ: Private Employee
(Chenchalguda Petro pump),
R/o.Salala, Barkas, Hyderabad District.

....Petitioner/
Defacto-Complainant

AND

1.The state of Telangana
Rep by its Public Prosecutor,
High Court at Hyderabad.

....Respondent No.1/
Complainant

2.Gulam Jilani S/o. Late Sri Gulam Jilani
Aged about 39 Years, Occ: Kirana Shop
R/o H.No. 19-3-1089/A/109, Jahanuma,
Madina, Hyderabad.

3.Mohammed Marief-Ul-Haq @ Azhar
S/o. Mohammed Yaseen
Aged about 39 Years, Occ: Business
R/o H. No. 7-84/4, Sadath Nagar, Errakunta,
Pahadishareef, RR Dist.

....Respondent
Nos.2&3/
Accused No.4&6

PROSECUTOR

Respondent No.1/2/3/4/5/6
COMPROMISE PETITION

For the reasons stated in the accompanying affidavit, the Petitioner herein prays that the Hon'ble court may be pleased to record the compromise in terms of Joint Memo and MOU dt : 08.12.2023 in pursuant to the PRC No. 53 of 2019 on the file of the 1st Addl. Chief Metropolitan Magistrate, Ranga Reddy District at L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar) and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Hyderabad

Date: 6-12-2023

Jyotna
COUNSEL FOR PETITIONER

HIGH COURT FOR THE STATE OF TLEANGANA:
AT HYDERBAD

12277
CRLP.NO. OF 2023

Between:

1. Gulam Hyder S/o. Late Sri Gulam Jilani
Age about 35 years, Occ: Kirana Business,
R/o.H.No.19-3-1089/A/109, Jahanuma,
Madina, Hyderabad.

2. Mohammed Marief-Ul-Haq @ Azhar
S/o. Mohammed Yaseen
Aged about 35 years, Occ: Business
R/o H. No. 7-84/4, Sadath Nagar
Errakunta, Pahadishareef, Ranga Reddy

...Petitioners

AND

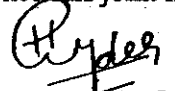
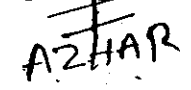
1. The state of Telangana
Rep by Public Prosecutor,
High Court at Hyderabad
2. Hasan Barakba @ Hassan Bin Salam Barakba
S/o Salm sulthana Barakba
Aged about 36 years, occ: Private Employee
(Chenchalguda Petrol pump),
R/o Salala, Barkas, Hyderabad District,
Telangana State.

...Respondents

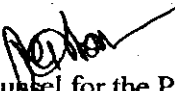
JOINT MEMO

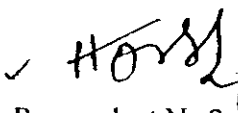
It is submitted that the Petitioners /Accused No.4 and 6 and the Respondent No. 2 has resolved their issues, and entered into an amicable settlement, and compromise in PRC NO.53 of 2019 on the file of the 1st Additional Chief Metropolitan Magistrate, Rachaknoda, Rangareddy District At L.B. Nagar (previously XIV Metropolitan Magistrate at L.B. Nagar) in crime No. 61 of 2018, on the file of P.S. Balapur at the intervention of common elders and well-wishers of both of us and to this effect a separate compromise petition is also filed.

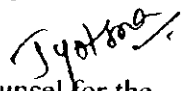
Hence this joint memo.

1.  (GULAM HYDER)
2.  (MOHD MARIEF-UL-HAQ alias AZHA)

Petitioners /A4 & A6


Counsel for the Petitioners/
Accused No.4 and 6


Respondent No.2


Counsel for the
Respondent No.2