IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWELFTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

I.A. NO: 2 AND 3 OF 2021
IN/AND
CRIMINAL PETITION NO: 966 OF 2021

Between:

1. Mir Ashfaq Ali Khan, S/o. Late Mir Riyasat Ali Khan, aged about 41 years, Occ. Business, R/o. H.No.22-7-539, Mir Alam Mandi, Hyderabad, T.S.
2. Mir Ashraf Ali Khan, S/o. Late Mir Riyasat Ali Khan, aged about 36 years, Occ. Business, H.No.22-7-539, Mir Alam Mandi, Hyderabad, T.S.,

...PETITIONERS/ACCUSED

AND

1. State of Telangana, Rep. by its Public Prosecutor, High Court, Hyderabad.
2. The Station House Officer, P.S. Mir Chowk, Hyderabad.
3. Mir Qasim Ali Khan @ Najju, S/o. Late Mir Abid Ali Khan, aged about 27 years, Occ. Service, R/o. H.No.22-3-126, Mata Ki Khidki, Dabeerpura, Hyderabad, T.S.

...RESPONDENTS/COMPLAINANTS

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 CC No.6655/2019 under Sections 341, 296, 504 and 506 IPC pending on the file of VIII Addl. Chief Metropolitan Magistrate, Hyderabad.

I.A. NO: 2 OF 2021

Between:

Mir Qasim Ali Khan @ Najju, S/o. Late Mir Abid Ali Khan, aged about 27 years, Occ. Service, R/o. H.No.22-3-126, Mata Ki Khidki, Dabeerpura, Hyderabad, T.S.

...PETITIONER/ 3rd RESPONDENT

AND

1. Mir Ashfaq Ali Khan, S/o. Late Mir Riyasat Ali Khan, aged about 41 years, Occ. Business, R/o. H.No.22-7-539, Mir Alam Mandi, Hyderabad, T.S.
2. Mir Ashraf Ali Khan, S/o. Late Mir Riyasat Ali Khan, aged about 36 years, Occ. Business, H.No.22-7-539, Mir Alam Mandi, Hyderabad, T.S..

...RESPONDENTS/PETITIONERS

3. State of Telangana, Rep. by its Public Prosecutor, High Court, Hyderabad.
4. The Station House Officer, P.S. Mir Chowk, Hyderabad.

...RESPONDENTS/RESPONDENTS

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 to compound the offence Registered against the Accused in FIR no.56 of 2019 of P.S. Mir Chowk Hyderabad for the offence U/s. 341,296,504,506, IPC & 156 (3) Cr P.C. which is Pending now CC No. 6655 of 2019 on the file of VIII Addl. C.M.M. Court Hyderabad.

I.A. NO: 3 OF 2021

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 Compromise and quash the Proceeding FIR no.56 of 2019 of Mir Chowk P.S., Hyderabad for the offence U/s. 341,296,504,506, IPC & 156 (3) Cr P.C. which is Pending now as CC No. 6655 of 2019 on the file of VIII Addl. C.M.M. Court Hyderabad against the petitioner /accused.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri S.J.A.Nadeem, Advocate for the Petitioner and the Public Prosecutor on behalf of the Respondent No. 1 and of M/s. S.A. Majabeen, Advocate for the Respondent No. 2.

The Court made the following: COMMON ORDER

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

I.A.Nos.2 and 3 of 2021
in/and
CRIMINAL PETITION No.966 of 2021

COMMON ORDER:

This Criminal Petition is filed under Section 482 of Cr.P.C. by the petitioners/accused Nos.1 and 2 to quash the proceedings against them in C.C.No.6655 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, Hyderabad, registered for the offences punishable under Sections 341, 296, 504, 506 of IPC and Section 156(3) of Cr.P.C.

2. It is submitted by learned counsel appearing for the petitioners as well as the respondent No.3, that during pendency of the present Criminal Petition, the parties have compromised the matter and accordingly, I.A.Nos.2 and 3 of 2021 have been filed to record the compromise between them and to compound the offences.

3. Vide order dated 04.12.2024, 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.

4. Pursuant to the above said direction issued by this Court, the parties have appeared and the Secretary, High Court Legal Services Committee, has identified the parties and submitted a report, dated 05.12.2024 and the same is placed on record.

5. In view of the above, I.A.Nos.2 and 3 of 2021 are allowed. Consequently, this Criminal Petition is allowed and the proceedings against the petitioners/accused Nos.1 and 2 in C.C.No.6655 of 2019 on the file of VIII Additional Chief Metropolitan Magistrate, Hyderabad, are hereby quashed.

Miscellaneous applications, if any pending, shall stand closed.

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The VIII Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Station House Officer, Mir Chowk Police Station, Hyderabad.
3. The Secretary, High Court Legal Services Committee, High Court for the State of Telangana, Hyderabad.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Sri S.J.A. Nadeem, Advocate [OPUC]
6. One CC to M/s. S.A.Majabeen, Advocate [OPUC]
7. Two CD Copies
(Along with a copy of Joint Memo of Compromise)

HIGH COURT

DATED: 12/12/2024



COMMON ORDER
I.A. NO: 2 and 3 of 2021
in/and
CRLP.No.966 of 2021

ALLOWING THE
CRIMINAL PETITION

(10)
26/12/24

AT HYDERABAD

CRL. P.No. 766 of 2021

Between:

1. MIR ASHFAQ ALI KHAN
S/o. LATE MIR RIYASAT ALI KHAN,
aged about 41 years, Occ: Business,
R/o. H.No.22-7-539, Mir Alam Mandi,
Hyderabad, T.S.,

2. MIR ASHRAF ALI KHAN
S/o. LATE MIR RIYASAT ALI KHAN,
aged about 36 years, Occ: Business,
R/o. H.No.22-7-539, Mir Alam Mandi,
Hyderabad, T.S.,

...Petitioners/Accused

AND

1. State of Telangana,
Rep. by its Public Prosecutor,
High Court, Hyderabad.

2. The Station House Officer,
P.S. Mir Chowk,
Hyderabad

3. MIR QASIM ALI KHAN @ NAJJU
S/o. LATE MIR ABID ALI KHAN,
aged about 27 years, Occ: Service,
R/o. H.No.22-3-126, Mata Ki Khidki,
Dabeerpura, Hyderabad, T.S.

...Respondents/Complainants

JOINT MEMO FILED BY THE PETITIONERS AND 3RD RESPONDENT

1. I am the 3rd Respondent herein and I am well aware of the facts of the case.

2. I filed the private complaint before Hon'ble VIII Addl. Chief Metropolitan Magistrate at Hyderabad and the same being referred to P.S. Mir Chowk was registered as FIR No.56/2019, against the petitioners, and after filing of the chargesheet by the police the same is pending as C.C. No.6655/2019 on the file of Hon'ble VIII Addl. C.M.M. at Hyderabad.

3. It is submitted that the deponent and petitioners were advis well wishers to settle the mutual issues and to withdraw the complaints / cases filed by them against each other i.e. between. The petitioners and 3rd respondent and others.

4. The petitioners and 3rd respondent and others and they have agreed to live in peace and to withdraw the complaints and as such seek the intervention of this Hon'ble Court for quashing the FIRs and CC. It is submitted that it is purely a private litigation between the parties, petitioners and the 3rd Respondent and there is no public interest or any other aspect involving offence against public with the same. It is an offence which can be quashed by this Hon'ble Court since the parties have compromised between themselves. The Hon'ble Supreme Court has upheld such a power of this Hon'ble Court to quash FIR/Chargesheet, where both the parties have arrived at a compromise and there is no offence against the society involved.

5. The petitioners submit that the matter between them and the respondent No.3 was settled amicably. The Petitioners submits that the Hon'ble Court is fully empowered to exercise its discretion to invoke section 482 of Cr. P.C. and requires the above CC and Crime to be quashed in the circumstances of the case and in the interest of justice.

Contd..3.

6. That in view of the above compromise, this Hon'ble Court may be pleased to quash the C.C. No.6655/2019 on the file of Hon'ble VIII Addl. C.M.M. Court, Hyderabad, for the offence under sections 341, 296, 504 and 506 IPC.

7. Therefore in view of the above amicable settlement, this Hon'ble Court may be pleased to quash the proceedings in C.C. No.6655/2019 on the file of Hon'ble VIII Addl. C.M.M. Court Hyderabad for the offence U/Sections 341, 296, 504 and 506 of IPC against the Petitioners/Accused No.1 and 2 in the circumstances of the case and in the interest of justice.

Hence this Joint Memo.

Place: Hyderabad
Date: 3-03-2020

Counsel for Petitioners / Accused

Counsel for Respondent No.3

1.

2.

Petitioners / Accused

Respondent No.3