

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 quash the FIR No.144 OF 2023, dated 25.04.2023 on the file of Warangal WPS (Warangal), by compounding the offence in terms of compromise in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri K. Rajashekar, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No. 1 and of Sri Phanindra Bhargav, Advocate for the Respondent No. 2

The Court made the following: COMMON ORDER

THE HON'BLE SMT. JUSTICE K.SUJANA

I.A.Nos.2 and 3 of 2023

in/and

CRIMINAL PETITION No.9947 of 2023

ORDER:

It is submitted by learned counsels appearing for the petitioners as well as the respondent No.2, that during pendency of the present Criminal Petition, the parties have compromised the matter and accordingly, I.A.Nos.2 and 3 of 2023 have been filed to record the compromise between them and to compound the offences.

2. Vide order dated 07.12.2023, this Court directed the parties along with their respective counsels 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 parties appeared and the Secretary, High Court Legal Services Committee, has identified the parties and submitted report dated 21.12.2023 and the same is placed on record.

4. Learned counsel for the petitioners would submit that the matter has been settled out of the Court and prayed the Court to record the compromise.

5. On the other hand, learned Public Prosecutor opposed the compromise stating that Section 307 of IPC is non compoundable offence and he also relied upon the judgment of the Hon'ble Supreme Court in Crl.A. No.349 of 2019 wherein in paragraph No.14, it is held as follows....

“Insofar as the present case is concerned, the High Court has quashed the criminal proceedings for the offences under Sections 307 and 34 IPC mechanically and even when the investigation was under progress. Somehow, the accused managed to enter into a compromise with the complainant and sought quashing of the FIR on the basis of a settlement. The allegations are serious in nature. He used the fire arm also in commission of the offence. Therefore, the gravity of the offence and the conduct of the accused is not at all considered by the High Court and solely on the basis of a settlement between the accused and the complainant, the High Court has mechanically quashed the FIR, in exercise of power under Section 482 of the Code, which is not sustainable in the eyes of law. The High Court has also failed to note the antecedents of the accused.”

6. Learned counsel for the petitioners further submitted that though it is mentioned in paragraph No.14 that Section 307 of IPC cannot be compounded, in paragraph No.13(iv), it is observed that it would be open to the High Court to examine as to whether incorporation of Section 307 of IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing charge under Section 307 of IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc.,

7. He also relied on the judgment of the Hon'ble High Court of Jammu and Kashmir and Ladakh at Srinagar wherein in paragraph No.18, it is observed that it is crystal clear that the dispute, where the wrong is basically private or personal in nature and the parties have resolved their entire dispute, the High Court will be within its jurisdiction to quash the criminal proceedings, if it is known that because of the compromise arrived at between the parties, there is remote possibility of securing conviction of the accused. In fact, in such cases, the

Supreme Court has clearly observed that it would amount to extreme injustice, if despite settlement having been arrived at by the parties, the criminal proceedings are allowed to continue.

8. In the present case, the dispute is in between the wife and husband and there are no serious allegations to attract Section 307 of IPC. Both the parties have amicably settled the disputes between themselves.

9. Considering the observation of the Judgment of the Hon'ble Supreme Court in paragraph No.13(iv) and also judgment of the Hon'ble High Court of Jammu and Kashmir and Ladakh at Srinagar in paragraph No.14, I.A.Nos.2 and 3 of 2023 are allowed. Consequently, this Criminal Petition is allowed and the proceedings in F.I.R. No.144 of 2023 on the file of the Warangal Women Police Station, Warangal against the petitioners/A1 to A4 are hereby quashed subject to the petitioners 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.

//TRUE COPY//

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Junior Civil Judge – cum – Principal Judicial Magistrate of First Class, Hanamakonda.
2. The Station House Officer, Warangal WPS (Warangal) Police Station, Warangal.
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to Sri K. Rajashekar, Advocate [OPUC]
5. One CC to Sri Phanindra Bhargav, Advocate [OPUC]
6. **Two CD Copies**

(ALONG WITH A COPY OF JOINT MEMO OF COMPROMISE)

Note: Total Amount of Rs. 10,000/- (Rupees Ten thousand only) has been paid by Sri K. Rajashekar, Counsel for the Petitioner as directed by the Hon'ble Court vide order dated 06.02.2024 as Rs. 5,000/- (Rupees Five thousand only) to the "Director, Sainik Welfare Hyderabad, and Rs. 5,000/- (Rupees Five thousand only) to the Telangana High Court Advocates Association, Hyderabad and filed Memo as proof of compliance USR No. 16543 of 2024 dated 16.02.2024
NJB

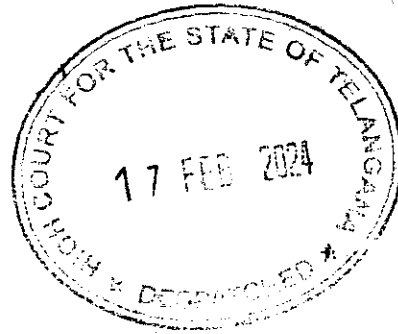
V. Kavitha

HIGH COURT

DATED:06/02/2024

COMMON ORDER

**I.A.Nos. 2 & 3 of 2023
In/and
CRLP.No.9947 of 2023**



**ALLOWING THE I.A.'s
& CRIMINAL PETITION**

⑨ VLW
17/2/24

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

CRL.P.No. 9947 OF 2023

BETWEEN:

1. Jangam Anil Kumar, S/o.Nageswara Rao,
Aged about 33 years, Occ: Doctor,
R/o : H.No.11-7-54/1, N.S.T.Road, Khammam-001, T.S.

2. Jangam Rathamma, W/o Nageswara Rao,
Aged about 60 years, Occ:Housewife,
R/o : H.No.11-7-54/1, N.S.T.Road, Khammam-001, T.S.

3. Sama Bhavani, W/o. Sama Siva Prasad Reddy,
Aged about 37 years Occ: Housewife,
R/o: H.No.10-2-509, Kothayaswada, Karimnagar-001,T.S.

4. Sama Siva Prasad Reddy S/o . Laxma Reddy,
Aged about 32 years, Occ :Business,
R/o: H.No.10-2-509, Kothayaswada, Karimnagar-001,T.S.

AND

...Petitioner/Accused

1. The State of Telangana,
Through SHO, Warangal WPS (Warangal),
Rep by Public Prosecutor,
High Court at Hyderabad.

2. Bandari Tejasri, W/o.Anil Kumar,
Aged about 29 Years, Occ: ~~DOCTOR~~,
R/o.2-11-363/A, Gopalpur,
Hanamakonda.

...Respondent/
Defacto Complainant

JOINT MEMO

It is submitted that Petitioners and Respondent no.2 have got resolved their issue and got amicably settled the matter of the court at the

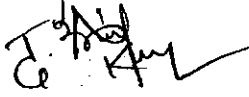
intervention of elders and well wishers of both of us and to this effect a separate compromise petition is also filed.

Hence, this Joint Memo.

PLACE: HYDERABAD

DATE: 05 -10-2023

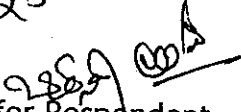
2. JANGAM ANIL KUMAR(P-1)



3. SAMA BHAVANI (P-3)

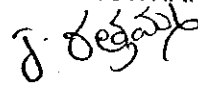


Counsel for Respondent



Counsel for the Petitioners (1 to 4)

2. JANGAM RATHAMMA (P-2)



4. SAMA SHIVA REDDY (P-4)



BANDARI TEJASRI
Respondent

