

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

SATURDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE JUSTICE G SRI DEVI

I.A.Nos.3 and 4 of 2020
IN/AND
CRIMINAL PETITION NO: 1392 OF 2020

I.A. NO: 3 OF 2020

Between:

Gurram Archana, W/o Praveen Kadapa D/o Gurram Shankar, aged about 30 years, r/o Texas, USA represented by her father GPA Holder Sri Gurram Shankar aged 57 years, R/o. H.No.7-2-1793/94, Flat No.314. Endeecos County, Czech Colony, Sanathnagar, Hyderabad – 500018

...RESPONDENT/DEFACTO COMPLAINANT
IN BOTH I.As

AND

1. Praveen Kadapa, S/o Kadapa Dhanujaya Konda Aged about 34 years, Occ. Software Engineer in Germany. R/o Sportplatzring 27, 22527 Hamburg, Germany rep by his father GPA holder Sri Kadapa Dhanunjay Konda aged 64 years, R/o Flat No.606, Block No.8. Raintree Park, Malaysian Township, KPHB Colony, Kukatpally, Hyderabad -85.

...RESPONDENT/PETITIONER/ACCUSED No.1
IN BOTH I.As

- 2 The State of Telangana, through Public Prosecutor, High Court of Judicature, Hyderabad for the State of Telangana

...RESPONDENT
IN BOTH I.As

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 compound the offence with the 1st respondent by allowing the Criminal Petition filed by the 1st respondent against the C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate, Kukatpally at Miyapur Cyberabad, now called as III Additional Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally Cyberabad

I.A. NO: 4 OF 2020

Petition under Section 320 (2) R/w 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 petitioner to compromise with the 1st respondent in the C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate , Kukatpally at Miyapur Cyberabad, now called as III Additional Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally Cyberabad

CRIMINAL PETITION NO: 1392 OF 2020

Between:

Praveen Kadapa, S/o Kadapa Dhanujaya Konda Aged about 34 years. Occ. Software Engineer in Germany, R/o Sportplatzring 27, 22527 Hamburg, Germany rep by his father GPA holder Sri Kadapa Dhanunjay Konda aged 64 years, R/o Flat No.606, Block No.8, Raintree Park, Malaysian Township, KPHB Colony, Kukatpally, Hyderabad -85.
...PETITIONER/ACCUSED No.1

AND

1. Gurram Archana, W/o Praveen Kadapa D/o Gurram Shankar, aged about 30 years, R/o New jersey, USA represented by her father GPA Holder Sri Gurram Shankar aged 57 years, R/o. H.No.7-2-1793/94, Flat No.314. Endeecos County, Czech Colony, Sanathnagar, Hyderabad – 500018
...RESPONDENT/DEFACTO COMPLAINANT
2. The State of Telangana, through Public Prosecutor, High Court of Judicature, Hyderabad for the State of Telangana

...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 C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate Kukatpally at Miyapur Cyberabad, called as III Additional Junior Civil Judge-Cum-XI Additional Metropolitan Magistrate, Kukatpally, Cyberabad

I.A. NO: 1 OF 2020

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 leave to GPA Holder to represent on behalf of the petitioner for filing above Cr.P. subsequently to record compromise on his behalf

I.A. NO: 2 OF 2020

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 all further proceedings including appearance of the petitioner in C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate Kukatpally at Miyapur Cyberabad, now called as III Additional Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally, Cyberabad pending disposal of the Criminal Petition

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Smt I. Maamu Vani, Advocate for the Petitioner in I.A.Nos.3 and 4 of 2020 and Respondent No.1 in Criminal Petition and the Public Prosecutor, on behalf of the Respondent No.2 in I.A.Nos.3 and 4 of 2020 and Respondent No.2 in Criminal Petition and of Sri B Yuvraj, Advocate for the Respondent No.1 in I.A.Nos.3 and 4 of 2020 and Petitioner in Criminal Petition

The Court made the following: ORDER

HONOURABLE JUSTICE G. SRI DEVI

I.A.Nos.3 and 4 of 2020

In/and

CRIMINAL PETITION No. 1392 of 2020

ORDER:

The petitioner, who is A1 in C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate, Kukatpally, Hyderabad, filed this Criminal Petition under Section 482 Cr.P.C. to quash the proceedings in the above C.C. A charge sheet came to be filed against the petitioner for the offence punishable under Section 498-A IPC.

2. Both the accused and the de facto complainant, who are husband and wife are represented by their respective GPA holders because, the de facto complainant who is the wife at whose instance the case under Section 498-A IPC has been initiated is presently residing at Texas, USA and she has been represented by her father and GPA holder, Gurram Shankar. A1 is a Software Engineer and he is residing at Homburg, Germany and he is also represented by his father and GPA holder Kadapa Dhanunjaya Konda. The GPAs executed by both the de facto complainant and the accused are placed on record, which shall form part of this Criminal Petition. The GPA holders of both the accused and the de facto complainant are present before this Court. They are duly identified by

their respective counsel. For the purpose of identification, they also filed Aadhar Cards and photographs, which have also been duly identified/attested by their respective counsel. The parties also filed I.A.Nos. 3 and 4 of 2020 to compound the offence and compromise the matter. The parties also filed joint memo supported by the affidavit of the father of the de facto complainant. The joint memo and the affidavit have been duly signed by the respective parties and their signatures have been identified/attested by their respective counsel.

3. According to the contents of the affidavit and the joint memo, Cr.No.539 of 2014 was registered at the instance of the de facto complainant of Sanathnagar Police Station, Hyderabad and after due investigation, the police submitted charge sheet. The learned Magistrate has taken cognizance of the offence and thereafter the case has been numbered as C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate, Kukatpally at Miyapur, Cyberabad and presently the same is pending at III Addl. Judl. Civil Judge-cum-XI Addl. Metropolitan Magistrate, Kukatpally, Cyberabad.

4. During the pending of the said case, at the instance of the elders and well wishers so also common friends, the disputes between the accused and the de facto

complainant have been settled amicably. MOU was got executed between the parties for which, the GPA holders of both parties put their signatures as witnesses to the said MOU. As per the MOU, the parties have obtained divorce on mutual consent and the other cases, which have been filed by the de facto complainant against the accused have already been withdrawn. Since the de facto complainant had to leave for Texas, USA as she has got a job there, she has executed the GPA in favour of her father stating that case which is pending against her husband is withdrawn and hence, she has no objection to quash the proceedings against the petitioner.

5. In the light of the compromise arrived at between the parties, the compromise memo filed by both the parties is recorded and I.A.Nos.3 and 4 of 2020 are ordered.

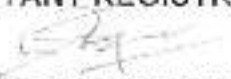
6. Accordingly, the Criminal Petition is allowed in terms of compromise, and the proceedings in C.C.No.200 of 2017 on the file of the III Addl. Junior Civil Judge-cum—XI Addl. Metropolitan Magistrate, Kukatpally, Cyberabad, against the present petitioner-A1 are hereby quashed. The parties are directed to deposit a sum of Rs.10,000/- to the High Court Legal Services Committee, Hyderabad, Rs.15,000/- to the Telangana High Court Advocates Association and Rs.5,000/- to the Court Masters

Association, High Court of Telangana, within a period of one week from today (Total Rs.30,000/-). Miscellaneous petitions, if any pending shall stand closed.

Note: Conditional order dated 29.02.2020 has been complied with Vide USR No.16757 of 2020 pay Rs. 10,000/- High Court Legal Services Committee, and pay Rs. 15,000/- High Court Advocates Association, and pay Rs. 5,000/- Court Masters Association, High Court of Telangana.

SD/- T. RANGA BABU
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

- 1 The XXIV Metropolitan Magistrate Kukatpally at Miyapur Cyberabad, now called as III Additional Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally, Cyberabad Ranga Reddy District.
- 2 The Station House Officer, Sanathnagar, Police Station, Hyderabad.
- 3 One CC to Sri B Yuvraj, Advocate [OPUC]
- 4 One CC to Smt. I. Maamu Vani, Advocate [OPUC]
- 5 Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad [OUT]
- 6 Two CD Copies
(along with a copy of Joint Memo)

JR

MP

HIGH COURT

DATED:29/02/2020

ORDER

I.A.Nos.3 & 4 of 2020
in/and
CRL.P.No.1392 of 2020



ORDERING THE I.As & ALLOWING THE
CRIMINAL PETITION IN TERMS OF COMPROMISE

(16) 88
29/4/2020

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA**

Cr.P.No. OF 2020

AGAINST

C.C.NO.200 OF 2017 IN Cr.NO.539 OF 2014 DT. 06.02.2017

Between:

Gurram Archana W/o Praveen Kadapa

D/o Gurram Shankar, aged about 30 years,

R/o Texas, USA represented by her father

GPA Holder Sri Gurram Shankar aged 57 years,

R/o. H.No.7-2-1793/94, Flat No.314, ENDEECOs County,

CZECH Colony, Sanathnagar, Hyderabad - 500018

... 1st Respondent/De-facto Complainant

AND

1. Praveen Kadapa S/o Kadapa Dhanujaya Konda
Aged about 34 years, Occ: Software Engineer in Germany,
R/o Sportplatzring 27, 22527 Hamburg, Germany
rep by his father GPA holder Sri Kadapa Dhanunjay Konda
aged 64 years, R/o Flat NO.606, Block No.8, Raintree Park,
Malaysian Township, KPHB Colony, Kukatpally,
Hyderabad – 85.

... Petitioner/Accused No.1

2. The State of Telangana, through
Public Prosecutor, High Court of Judicature,
Hyderabad for the State of Telangana

... Respondent

JOINT MEMO

It is submitted that the petitioner and 1st respondent filed the present joint Memo to compound the offences as against the petitioner as the matter is settled out of court amicably.

It is submitted that on the intervention of the well wishers friends and relatives the disputes between the petitioner and 1st respondent were amicably sorted out. The elders advise the 1st respondent/Defacto complainant not to prosecute the Criminal case registered against the petitioner/accused No.1 and his family members for the betterment

[Signature]

[Signature]


of their relationship. Accordingly the 1st respondent /Defacto complainant is agreed not to prosecute the criminal case registered against the petitioner and his family members proceedings in FIR Crime NO.539 of 2014 dt. 27.10.2014 of Sanathnagar Police Station, Hyderabad for offence U/s 498(A) of IPC may be quashed in the interest of justice.


It is submitted that the 1st respondent /Defacto complainant have amicably settled the dispute at the intervention of elders and well wishers and friends the matter has been compromised between them. Hence the both parties came to compromise in the above CRL.P. filed against C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate : Kukatpally at Miyapur :: Cyberabad, now called as III Addl. Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally:: Cyberabad and both the parties have no claim or rights against each other in future.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to permit the 1st respondent to compound the offence with the petitioner by allowing the Criminal Petition filed by the 1st respondent in C.C.No.200 of 2017 on the file of the XXIV Metropolitan Magistrate : Kukatpally at Miyapur :: Cyberabad, now called as III Addl. Junior Civil Judge-Cum- XI Additional Metropolitan Magistrate, Kukatpally:: Cyberabad and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.


GPA Holder
Petitioner/Accused No.1

Counsel for
Petitioner/Accused No.1


GPA Holder
1st Respondent /Defacto Complainant


Counsel for
1st respondent/Defacto Complainant