

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos: 7376 and 7377 of 2019

ALONG WITH I.A.Nos.1 and 2 of 2023

Criminal Petition No.7376 of 2019

Between:

1. Avula Karanam Aruna, W/o. Narendar, Aged 37 years, Caste. BC-Kurama, Occ.Housewife, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.
2. Avula Karanam Narendar, S/o. Late Mohan Rao, Aged 48 years, Caste. BC-Kurama, Occ. Business, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.

...PETITIONERS/Accused No.1 & 2

AND

1. State of Telangana, Rep.by its Public Prosecutor, High Court, Hyderabad, Through the Station House Officer, P.S.Madhapur, Ranga Reddy District, State of Telangana
2. Kadari Krishna, S/o. Pochaiah, Age 48 years, Occ. Business, R/o. H.No.1-91/1, Guttala Begumpet, Madhapur, Serilingampally mandal, Ranga Reddy District, Telangana

...Respondents

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 SC.No.151/2019 on the file of Hon'ble Special Sessions Judge for Trial of Case under SC/ST (POA) Act, 1999 Cum-VII Addl. District Sessions Judge at L.B.Nagar R.R. District, as against the Petitioners herein.

I.A. NO: 2 OF 2019

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 interim stay of all further proceedings in SC.No.151 of 2019

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on the file of Hon'ble Special Sessions Judge for Trial of Case under SC/ST (POA) Act, 1999 Cum-VII Addl. District Sessions Judge at L.B. Nagar R.R. District, pending disposal of the above criminal petition.

I.A. Nos: 1 & 2 of 2023

Between:

Kadari Krishna, S/o. Pochaiah, Age 48 years, Occ. Business, R/o. H.No.1-91/1, Guttala Begumpet, Madhapur, Serilingampally mandal, Ranga Reddy District, Telangana

...Petitioner/Respondent/Defacto Complainant

AND

1. Avula Karanam Aruna, W/o. Narendar, Aged 37 years, Caste. BC-Kurama, Occ.Housewife, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.
2. Avula Karanam Narendar, S/o. Late Mohan Rao, Aged 48 years, Caste. BC-Kurama, Occ. Business, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.

...Respondents/Petitioners/Accused Nos. 1 & 2

3. State of Telangana, Rep.by its Public Prosecutor, High Court, Hyderabad, Through the Station House Officer, P.S.Madhapur, Ranga Reddy District, State of Telangana

...Respondent/Complainant

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 complainant to compound the offence in SC No.151 of 2015 on the file of Hon'ble Special Sessions Judge for Trial of Case Under SC/ST POA Act.1999 Cum VII Additional District Sessions Judge at LB Nagar, R.R.District, the alleged offence is under Sec. 384 IPC & 3 (1) (R) of SC,ST (POA) Act, 2015 in the interest of justice.

I.A. No: 2 of 2023

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 the above criminal petition and quash the SC No.151 of 2015 on the file of Hon'ble Special Sessions Judge for Trial of Case Under SC/ST POA Act.1999 Cum VII Additional District Sessions Judge at LB Nagar, R.R.District, the alleged offence is under Sec. 384 IPC & 3 (1) (R) of SC,ST (POA) Act, 2015 in by compounding the offence in terms of compromise in the interest of justice.

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This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C. RAGHU, Advocate for the Petitioners in Criminal Petition and Respondent Nos. 1 & 2 in I.A.Nos.1 & 2 of 2023 and the Public Prosecutor on behalf of the Respondent No.1 in Criminal Petition and Respondent No.3 in I.A.Nos.1 & 2 of 2023 and of Sri AYESHA SABA, Advocate for the Respondent No.2 in Criminal Petition and Petitioner in I.A.Nos.1 & 2 of 2023.

Criminal Petition No.7377 of 2019

Between:

1. Avula Karanam Aruna, W/o. Narendar, Aged 37 years, Caste. BC-Kurama, Occ. Housewife, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.
2. Avula Karanam Narendar, S/o. Late Mohan Rao, Aged 48 years, Caste. BC-Kurama, Occ. Business, R/o. Plot No.46, Suryanivas, Meghahills, Madhapur, Hyderabad.

...PETITIONERS/Accused No.1 & 2

AND

1. State of Telangana , Rep.by its Public Prosecutor, High Court., Hyderabad, Through the Station House Officer, P.S.Madhapur, Ranga Reddy District, State of Telangana
2. Smt. Kadari Renuka, W/o. Sri Krishna, Age 45 years, Occ. Housewife, R/o. H.No.1-91/1, Guttala Begumpet, Madhapur, Serilingampally Mandal, Ranga Reddy District, Telangana

...RESPONDENTS

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 STC.No.137 of 2018 on the file of Hon'ble IV Addl. Junior Civil Judge-cum-XII Addl. Metropolitan Magistrate, Kukatpally, Cyberabad.

I.A. NO: 2 OF 2019

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 interim stay of all further proceedings in STC.No.137 of 2018 on the file of Hon'ble IV Addl. Junior Civil Judge-cum-XII Addl. Metropolitan Magistrate, Kukatpally, Cyberabad, pending disposal of the above criminal petition.

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This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri C. RAGHU, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.1 and of Sri V. RAGHUNATH, Advocate for the Respondent No.2.

The Court made the following: **COMMON ORDER**

1

THE HONOURABLE SRI JUSTICE K. SURENDER

CRIMINAL PETITION Nos.7376 and 7377 OF 2019
ALONG WITH I.A.NOs.1 AND 2 OF 2023

COMMON ORDER:

These Criminal Petitions are filed under Section 482 Cr.P.C., to quash the proceedings in S.C.No.151 of 2019 on the file of learned Special Sessions Judge for Trial of Case under SC/ST (POA) Act, 1999-cum-VII Additional District Sessions Judge at L.B.Nagar, Ranga Reddy District and STC No.137/2018 on the file of the learned IV Additional Junior Civil Judge-cum-XII Additional Metropolitan Magistrate, Kukatpally, Cyberabad. The petitioners herein are the accused in the said cases. The offences alleged against the petitioners in S.T.C.No.137 of 2018 is punishable under Section 506 of Indian Penal Code and the offences alleged against the petitioners in S.C.No.151 of 2019 are punishable under Sections 384 of Indian Penal Code and 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015.

2. Since the 2nd respondent in Criminal petition No.7376 of 2019 is the husband of 2nd respondent in Criminal petition

No.7377 of 2019 and the issue involved in both the criminal petitions is interconnected, they are being disposed of by this common order.

3. Heard learned counsel appearing on both sides and learned Additional Public Prosecutor for the State. Perused the record.

4. During the pendency of the present Criminal Petitions, the parties have compromised the matter and I.A.Nos.1 and 2 of 2023 are filed to compromise the matter.

5. Vide order dated 14.08.2023, this Court, after recording the submissions made by the learned counsel for the petitioners as well as respondent No.2, directed the parties to appear before the Secretary, Telangana High Court Legal Services Committee, Hyderabad, for their identification and also directed the Secretary to submit a report by 25.08.2023. In compliance with the said order, the Secretary has submitted his report, on 22.08.2023.

6. In the report of the Secretary, Telangana High Court Legal Services Committee, Hyderabad, it is stated that in obedience of

the orders dated 14.08.2023, the petitioners and the 2nd respondent in Criminal Petition No.7376 of 2019 have appeared before her along with their counsel and on examination and verification of their particulars from their Aadhar Cards, they were tallied. Thus the identification of both the parties has been established.

7. An affidavit along with a joint memo of compromise have been filed stating that at the intervention of the elders and well wishers, they have resolved all the issues and settled the matter out of the Court and the 2nd respondent has no objection to quash the proceedings against the petitioners herein in the above cases. The said joint memo of compromise and the report of the Secretary are placed on record.

8. In view of the said report of the Secretary, Telangana High Court Legal Services Committee, Hyderabad, and also in view of the compromise entered between the petitioners and respondent No.2, I.A.Nos.1 and 2 of 2023 are allowed. Consequently, the Criminal Petition Nos.7376 and 7377 of 2019 are allowed and the proceedings against the petitioners in S.C.No.151 of 2019 on the file of learned Special Sessions

Judge for Trial of Case under SC/ST (POA) Act, 1999-cum-VII Additional District Sessions Judge at L.B.Nagar, Ranga Reddy District and STC No.137/2018 on the file of the learned IV Additional Junior Civil Judge-cum-XII Additional Metropolitan Magistrate, Kukatpally, Cyberabad are hereby quashed. Petitioners/accused have undertaken to pay an amount of Rs.10,000/- (Rupees Ten 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), within a period of ten days from today, and file proof of the same into the Registry.

As a sequel, the miscellaneous Petitions, pending if any, shall stand closed.

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SD/-MOHD.ISMAIL
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Special Sessions Judge for Trial of Case under SC/ST (POA) Act, 1999 Cum-VII Addl. District Sessions Judge at L.B.Nagar, R.R. District.
2. The Additional Junior Civil Judge-cum-XII Addl. Metropolitan Magistrate, Kukatpally, Cyberabad
3. The Station House Officer, Madhapur Police Station, Cyberabad Commissionerate.
4. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad.(OUT)
5. One CC to SRI C. RAGHU, Advocate [OPUC]
6. One CC to SRI AYESHA SABA, Advocate [OPUC]
7. One CC to SRI V. RAGHUNATH, Advocate [OPUC]
8. Two CD Copies

(Along with a Copy of Joint Memo of Compromise)

Note: Amount of Rs. 10,000/- (Rupees Ten thousand only) has been paid by SRI V. RAGHUNATH, Counsel for the Appellant as directed by the Hon'ble Court vide order dated 29-08-2023 to the " Director, Sainik Welfare Hyderabad , and filed Memo as proof of compliance USR No. 88637 of 2023 dated 11-09-2023.

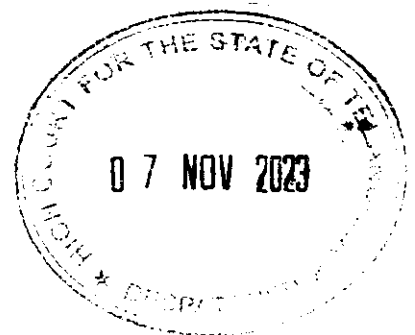
Note: Amount of Rs. 10,000/- (Rupees Ten thousand only) has been paid by SRI AYESHA SABA, Counsel for the Appellant as directed by the Hon'ble Court vide order dated 29-08-2023 to the " Director, Sainik Welfare Hyderabad , and filed Memo as proof of compliance USR No. 88927 of 2023 dated 11-09-2023.
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HIGH COURT

DATED:29/08/2023

COMMON ORDER

CRLP.Nos.7376 and 7377 of 2019
ALONG WITH I.A.Nos.1 & 2 of 2023



I.A.Nos.1 & 2 of 2023 ARE ALLOWED.
THE CRIMINAL PETITION Nos. 7376 & 7377 of 2019
ARE ALLOWED

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01/11/2023

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I.A.NO. OF 2023
IN
CRL.P.No. 7376 OF 2019

...Petitioner/Respondent/
Defacto Complainant

AND

1. Avula Karanam Aruna W/o.Narchiadar,
Aged about 37 Years, Occ: House Wife,
R/o: Plot No.46, Suryanivas Megha Hills,
Madhapur, Hyderabad.

2. Avula Karanam Narender S/o.Late.Mohan Rao
Aged about 48 Years, Occ: Business,
R/o: Plot No.46, Suryanivas,
Megha Hills, Madhapur, Hyderabad.

...Respondents/Petitioners/Accused Nos.1 & 2

3. The State of Telangana,
Represented by Public Prosecutor,
High Court, Hyderabad.

...Respondent/Complainant

**JOINT MEMO FILED BY THE PETITIONERS AND
DEFACTO-COMPLAINANT**

May it please your lordship,

1. It is to submit that the defacto complainant had given a complaint before the Police Station Madhapur on 24.03.2018 and the police registered it as Crime No. 270 of 2018, of P.S. Madhapur in SC No.151/2015 on the file of Hon'ble Special Sessions Judge for Trial of Case Under SC/ST POA Act.1999 Cum VII Additional District Sessions Judge at LB Nagar, R.R.District and the police filed the charge sheet.
2. I submit that there was a misunderstanding between the parties on the date of the incident and both the parties lodged complaints against each other. The misunderstanding has been cleared up and we have settled the matter amicably out of the court. That due to the said reasons, the defacto complainant came forward to withdraw the complaint for which the accused also executed an Affidavit stating that they are ready to withdraw the above said case. After considering all the above circumstances this Hon'ble Court may be pleased to quash the proceedings in Crime No.270 of 2018, dated 24.03.2018 on the file of P.S. Madhapur, Hyderabad district, otherwise the petitioners and the de facto complainant will suffer irreparable loss.

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That Petitioner and Defacto-Complainant respectfully submit that, the above matter is settled out of the Court and that this Hon'ble Court may be pleased to Quash the SC No.151/2015 in Crime No.270/2018 of PS Madhapur, Cyberabad, on the file of Hon'ble Special Sessions Judge for Trial of Case Under SC/ST POA Act.1999 Cum VII Additional District Sessions Judge at LB Nagar, R.R.District, the alleged offence is under Sec. 384 IPC & 3 (1) (R) of SC,ST (POA) Act, 2015, by compounding the offence in terms*of compromise in the interest of justice and pass such other order or orders may deem fit and proper in the circumstances of the case.

Hence, this Joint Memo.

Hyderabad
DATE: 19.06.2023

A.K. Aruna (A.K. Aruna)
Petitioner/ Accused No.1

- L. Narender (A.K. Narender)
Petitioner/ Accused No.2

Mr. K. Krishna
Respondent/ De-facto Complainant

Chyleru
Counsel for Petitioner Respondent/De-facto Complainant

L. Narender (19130)
Counsel for Respondent/De-facto Complainant Petitioner