

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.4577 of 2014

and M.P.Nos.1 and 2 of 2014

M.Natarajan ... Petitioner

Vs

N.Ganesh Kumar ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.399 of 2013 on the file of the learned Judicial Magistrate, Kangayam, and to quash the same.

For Petitioner :Mr.M.R.Thangavel

ORDER

This petition has been filed to quash the proceedings in CC.No.399 of 2013 on the learned Judicial Magistrate, Kangayam.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

3.Mr.N.Ganesh Kumar, the respondent/complainant filed a private complaint in CC.No.399 of 2013 before the learned Judicial Magistrate, Kangayam alleging that A1-Saamiyathaal had executed a Sale Deed on 09.10.2012 in favour of A2-Sakthivel in which the land belonging to the complainant was also included. After registration of the Sale Deed, A2-Sakthivel seemed to have approached A3-M.Natarajan, who was the Tahsildar of the Taluk, at the relevant time, for mutation of revenue records. A3-Natarajan appeared to have effected mutation of records in the name of Sakthivel on the strength of Sale Deed produced by Sakthivel.

4.Now, it appears that Ganesh Kumar and Natarajan appear to have entered into an amicable settlement by virtue of which they are seeking to quash the prosecution as against Natarajan

5.Today, N.Ganesh Kumar, the respondent/ complainant, is present before this Court and he was identified by Mr.V.Regunathan, learned counsel on record. He has filed an affidavit wherein at Para 3, he has stated as follows:

"3.I submit that this being so the petitioner/3rd accused had preferred the above Criminal Original Petition seeking for quashing of the said complaint as against him. I have perused the memorandum of grounds raised in the above Criminal Original Petition. Presently, I have compromised with the petitioner/3rd accused and am not willing to prosecute him anymore. Further, the petitioner/3rd accused being a relative of mine, I would express my willingness to quash the said complaint as against the petitioner herein consequent to the quashing of the said complaint.

I therefore pray that this Hon'ble Court may be pleased to record the compromise entered into between me and the petitioner and quash the proceedings in CC.No.399 of 2013 on the file of the learned Judicial magistrate, Kangayam, as against the petitioner and pass such or other orders that this Hon'ble Court may grant under the circumstance of the case and thus render justice."

6.The learned counsel contended that he had gone through the averments made in the complaint as well evidence adduced by Ganesh Kumar, there is no iota of evidence to show that Natarajan has conspired with the other accused for mutation of revenue records. It is his submission that the petitioner acted in his official capacity. It is represented that pursuant to the Decree passed by the Civil Court in O.S.No.64 of 2013 on the file of the learned District Munsif, Kangayam, the patta has been changed.

In view of the above, the prosecution as against A3-Natarajan in CC.No.399 of 2013, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

mps

To

1.The Judicial Magistrate,
Kangayam,

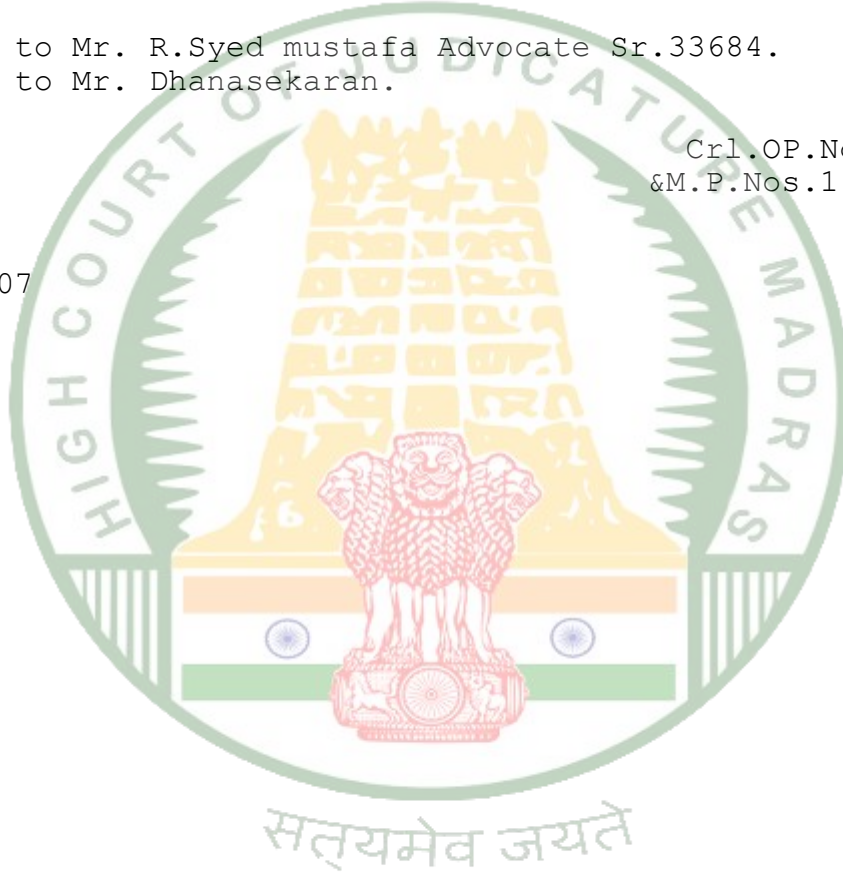
2.-Do- Thro the chief judicial magistrate,
Tiruppur.

+1 cc to Mr. R.Syed mustafa Advocate Sr.33684.

+1 cc to Mr. Dhanasekaran.

Crl.OP.No.4577 of 2014
&M.P.Nos.1 and 2 of 2014

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