

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.14036 of 2015

1.Mathimurugasamy
2.B.Ethiraj
3.Sivakumar

... Petitioners

Vs

1.The Inspector of Police,
CCB, EDF-II, Team 9(A),
Commissioner of Police,
Vepery,
Chennai.

2.Syed Hussain ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.121 of 2015 pending on the file of the 1st respondent and to quash the same.

For Petitioners :Mr.N.Subramani

For Respondents :Mr.C.Emalias
Additional Public Prosecutor for R1

Mr.R.Bhagawat Krishna for R2

ORDER

This petition has been filed to quash the proceedings in Crime No.121 of 2015 pending on the file of the 1st respondent police.

2.Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the 2nd respondent and perused the materials placed on record.

3.On a complaint given by one Syed Hussain, the 1st respondent police registered a case in Crime No.121 of 2015 on 26.03.2015 for offences under Sections 406, 420 and 506(i) IPC against three persons, who are the petitioners herein before this Court. After registration of FIR, the respondent Police took up the case for investigation and arrested the petitioners and later on, he was

released on bail. The sum and substance of the accusation in the FIR is that the land in question was under the Land Acquisition proceedings since 1999 and that the same was sold by one Devadoss to Ethiraj-A2.

4. Now, it is stated that the petitioner/accused and the defacto complainant have arrived at an amicable settlement, whereby the Sale Deed dated 31.07.2013 was cancelled by registering a Deed on 03.07.2015. The defacto complaint has also filed an affidavit consenting for quashing the FIR. The Investigating Officer has filed a counter affidavit strongly objecting the quashing of FIR on the ground that the accused are dealing with the land and knowing full well that the land is in acquisition proceedings and that the police have to be apprehended the said Devadoss and also one Vidya, who had sold the land to Devadoss.

5. The Hon'ble Supreme Court has relied upon the earlier Judgment in Gian Singh v. State of Punjab reported in (2012) 10 SCC 303, wherein the following caution has been given.

"The High Court was not right in thinking that it was only an injury to the persons and since the accused persons (SIC victims) had received the monetary compensation and settled the matter, the crime as against them was wiped off. Criminal justice system has a larger objective to achieve, that is, safety and protection of the people at large and it would be a lesson not only to the offender, but to the individuals at large so that such crimes would not be committed by anyone and money would not be a substitute for the crime committed against the society. Taking a lenient view on a serious offence like the present, will leave a wrong impression about the criminal justice system and will encourage further criminal acts, which will endanger the peaceful coexistence and welfare of the society at large."

6. In view of the strong objection raised by the Investigating Officer, this Court is not inclined to quash the FIR at this stage, though the defacto complainant has conceded to it.

In the result, this Criminal Original Petition is dismissed.
mps

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
CCB, EDF-II, Team 9(A),
Commissioner of Police,
Vepery,
Chennai.

2.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.A.R.Nixon, Advocate SR 33371

+ 1 cc to Mr.N.Subramani, Advocate SR 32708

+ 1 cc to Mr.B.Bhagawat Krishna Advocate SR 32842

+ 1 cc to Mr.R.Bhagawad Krishna, Advocate, sr.32832 (28/10/2015)

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