

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25977 of 2014 and
CRL.OP.No. 6690 of 2015

- 1.Kannusamy
2.Muruganatham
3.Arumugam .. Petitioners in Crl.O.P.No.25977 of 2014
4.Viswanathan .. Petitioner in Crl.O.P.No.6690 of 2015

Vs

1. The State rep.by its
The Inspector of Police,
CCB Anti Land Grabbing Special Cell-II,
Egmore, Chennai - 600 008,
Chennai District.
(Crime No.87/2013)
2. S.Saroja ... Respondents in both cases

Common Prayer: Criminal Original Petitions have been filed under Section 482 of the Code of Criminal Procedure praying, to call for the records relating to F.I.R in Crime No.87/2013 on the file of the 1st respondent and quash the same.

For Petitioners : Ms.L.Srileka (Crl.OP.25977 of 2014)
Mr.T.Muruganantham (Crl.OP.6690 of 2015)

For 2nd Respondents : Mr.A.Senthilkumar in both cases

C O M M O N O R D E R

These Criminal Original Petitions have been filed praying, to call for the records relating to F.I.R in Crime No.87/2013 on the file of the 1st respondent and quash the same.

2. Heard Ms.L.Srileka, learned counsel for the petitioners appearing in Crl.OP.No.25977 of 2014; Mr.T.Muruganantham, learned counsel for the petitioner appearing in Crl.OP.No.6690 of 2015 and Mr.A.Senthilkumar, learned counsel appearing for the respondents in both cases.

3. On a complaint lodged by one Saroja, the respondent police registered a case in Crime No.87 of 2013 on 16.09.2013 for offences under sections 419, 420, 465, 468, 471 read with 34 I.P.C against three persons.

4. During the course of investigation, the police found that there are other persons involved in this case, apart from the petitioners herein. When some of accused approached this court for Anticipatory Bail in CrI.O.P.No.29190 of 2013 and 29440 of 2013 respectively, the matter was referred to Mediation Centre.

5. Before the Mediation Centre, the parties arrived at a compromise and the defacto complainant had agreed to say no objection for quashing the FIR in Crime No.87 of 2013.

6. Pursuant to the settlement arrived at by the parties, CrI.OP.Nos.29190 of 2013 and 29440 of 2013 came up before this court on 21.03.2014 for confirmation of the same.

7. The defacto/complainant has appeared before this court, and this court has recorded as follows:-

'g.On filing of such Quash Petition, the defacto complainant has agreed to appear before the court in the said proceedings and expressed her no objection for compounding of offence with full co-operation by withdrawing the complaint to reach the finality of the said criminal case'.

8. Hence, these petitions have been filed by the accused for quashing the FIR. Today, the defacto complainant is present and identified by Mr.A.SenthilKumar, Advocate (Enrl.No.737/1997).

9. The defacto complainant has also filed an affidavit, wherein she has stated as follows:-

'3.I submit that an amicable solution was arrived as per direction of this Hon'ble Court and in view of settlement, the petitioners herein paid the cash to another accused Viswanathan, who was the purchaser of property and on receipt of sum necessary cancellation of Sale Deed was registered. In the said settlement, I agreed to file my consent affidavit to quash the proceedings against the petitioners herein. Hence, I file this affidavit expressing that I have no objection for quash the case against the petitioners herein. Another accused Viswanathan and myself already filed the Joint Compromise Memo in O.S.No.555/2012 before District Munsiff, Ambattur and the suit was disposed off. The original documents of title are in the custody of the said Viswanathan and he has to return the same to me on payment of Rs.25,000/- made by me before quashing the criminal case against him.

I therefore respectfully pray that this Hon'ble High Court may be pleased to record my consent affidavit for quash the case and pass suitable orders and thus render justice'.

10. The copy of the compromise memo has been filed before this court. It is seen that the memo of compromise that the parties agreed is as follows:-

'The original documents of title are in the custody of the said Viswanathan and he has to return the said original to the defacto complainant on receipt of Rs.25,000/- from the defacto complainant before quashing the criminal case against him. Except handing over of original documents all other conditions were completed'.

11. In view of the above, the case in Crime No.87 of 2013 pending on the file of the respondent police is hereby quashed.

12. Pursuant to the above, the documents referred to have been handed over in the open court to the defacto complainant.

13. In the result, these petitions are stands allowed.

nvi

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
CCB Anti Land Grabbing Special Cell-II,
Egmore, Chennai - 600 008,
Chennai District.

2. The Public Prosecutor,
High Court, Madras.

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and
CRL.OP.No.6690 of 2015