

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.27172 of 2015

S.Anandraj

... Petitioner

Vs

1.State by

The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.C.Karupswamy,

3.The Inspector of Police,
Anti Land Grabbing Cell,
Tiruppur.

... Respondents

(R3 impleaded as per order dt 17.11.2015
in M.P.No.1 of 2015)

Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records relating to the FIR in
Crime No.69 of 2013 pending investigation on the file of the
respondent-Police and to quash the same by allowing this
criminal original petition.

For Petitioner :Mr.S.Vinothkumar

For respondents :Mr.C.Emalias, APP (For R1)
Mr.S.Benazir (For R2)

O R D E R

The present criminal original petition has been filed
praying to call for the records relating to the FIR in Crime
No.69 of 2013 pending investigation on the file of the
respondents-Police and to quash the same. The petitioner herein
has been arrayed as 1st accused in the said criminal case.

2. In the affidavit filed in support of this petition, it is stated by the petitioner that the 2nd respondent herein / defacto-complainant lodged a complainant against the petitioner herein and two others. As per the allegations in the FIR, the defacto-complainant/R2 is the owner of the property situated at S.No.150/1 measuring to an extent of 2.86 acres. When the defacto-complainant decided to start the business, he sought for a loan amount to the tune of Rs.2 crores from the petitioner herein/A1. The petitioner was introduced to the defacto-complainant, through Ramsingh (A2) and Jacob (A3). It was informed to the defacto-complainant that in order to avail loan amount of Rs.2 crores, the defacto-complainant has to execute a sale deed in favour of the petitioner. Accordingly, the defacto-complainant executed a sale deed in favour of the petitioner vide Doc.No.3079/2012 on the file of the Sub-Registrar, Uthukuli; but, loan amount was not given to the defacto-complainant. Hence, the complaint was lodged by the defacto-complainant. On the basis of the said complaint, a case in Crime No.69 of 2013 under Sections 120(B), 406, 420, 447, 294(b), 506(ii) IPC and under Section 82 of Indian Registration Act, 1908, was filed as against the petitioner herein and two others. Now, the petitioner has come forward with the present petition seeking to quash the first information report.

3. When the matter was listed on 16.11.2015, both the petitioner/A1 and the 2nd respondent/defacto-complainant appeared before this Court in person and informed the Court that they have amicably settled the matter and they sought time to file memo of compromise. Today, when the matter is taken up for consideration, they filed a memo of compromise before this Court stating that the petitioner/A1 agreed to execute a sale deed in favour of one Shanmuga Subramaniam, who is nominated by the defacto-complainant. It is further agreed by the petitioner under the said memo of compromise that the alleged sale deed executed in favour of the petitioner by the defacto-complainant bearing Doc.No.3079/2012 dated 04.05.2012, which is now in custody of the learned Judicial Magistrate, Perumdurai, would be handed over to the defacto-complainant. The defacto-complainant is also willing to withdraw the complaint filed against the petitioner.

4. The memo of compromise, dated 06.11.2015, filed by the parties is recorded. In view of the compromise arrived at between the petitioner and the defacto-complainant, the impugned

criminal proceedings relating to the FIR in Crime No.69 of 2013 pending on the file of the respondents-Police is quashed so far as the petitioner herein is concerned. The memo of compromise shall form part of the order.

5.Accordingly, the criminal original petition is allowed.

*Enclose here with the xerox copy of Memo of Compramise.

Sd/-
Assistant Registrar

True Copy
Sub Assistant Registrar

To,

1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

2.The Inspector of Police,
Anti Land Grabbing Cell,
Tiruppur.

3.The Public Prosecutor, High Court,
Madras.

+1cc to Mr.S.Vinoth Kumar, Advocate sr.62590

सत्यमेव जयते Cr1.O.P.No.27172 of 2015

srg 24/11/2015

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