

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.1239 of 2016

1.R.Palanisamy
2.P.Thyagarajan
3.P.Dhanapal

.... Petitioners/Accused Nos.1 to 3

Vs.

1.The Sub-Inspector of Police,
Anti Land Grabbing Cell,
O/o.District Crime Branch,
Tiruppur, Tiruppur District.
(Crime No.63/2014).1st Respondent/Complainant

2.Rasammal @ Rasathal,
W/o.Rayappa Gounder,
3/158, Devampalayam,
Pazhangarai Village,
Avanashi Taluk,
Tiruppur District.2nd Respondent/Defacto
Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the impugned FIR in Crime No.63 of 2014 on the file of the 1st respondent herein and to quash the same, insofar as it relates to the petitioners 1 to 3 herein.

For Petitioners : Mr.K.Govi Ganesan

For Respondents : Mr.C.Emalias, APP (For R1)

* * * * *

ORDER

This petition has been filed by the petitioners praying to quash the First Information Report in Crime No.63 of 2014 on the file of the 1st respondent-Police in respect of the petitioners herein. The petitioner herein is the first accused in this case. The petitioners herein have been arrayed as accused 1 to 3 respectively in the said case.

2.The brief facts of the case are as follows:- The 1st petitioner is the son and the petitioners 2 & 3 are the grandchildren of the 2nd respondent/defacto-complainant. The property in S.F.No.220 measuring 3.00 acres situated at Pazhangarai Village belonged to the husband of the 2nd respondent herein viz., one Rayappa Gounder and he died on 15.01.1990. After his demise, his wife (2nd respondent herein), his son (1st petitioner herein) and two daughters are entitled to the said property as his legal heirs. It is alleged that the 1st petitioner obtained a legal heir certificate showing himself and his mother (2nd respondent) alone as the legal heirs of the deceased Rayappa Gounder and thereafter, by impersonating his mother, the 1st petitioner mortgaged the said property and obtained loan amount of Rs.30 lakhs. Hence, the 2nd respondent lodged the complaint and the same was registered in Crime No.63 of 2013 by the 1st respondent-Police under Sections 120(b), 419, 467, 468, 471, 120 and 420 IPC. Now, the petitioners have come forward with the present petition seeking to quash the FIR.

3.Today, when the matter is taken up for consideration, the petitioners and the 2nd respondent/defacto-complainant are present. It is represented by both sides that the matter has been amicably settled between the parties. The 2nd respondent/defacto-complainant has also filed an consent affidavit stating that the matter has been amicably settled between the parties and she has no objection to quash the FIR.

4.Heard both sides and perused the materials available on record.

5.Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties, I am of the opinion that the First Information Report in Crime No.63 of 2014 pending on the file of the 1st respondent-Police, is liable to be quashed and accordingly, the same is quashed in respect of all the accused persons.

In fine, the criminal original petition is allowed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

SSV

To,

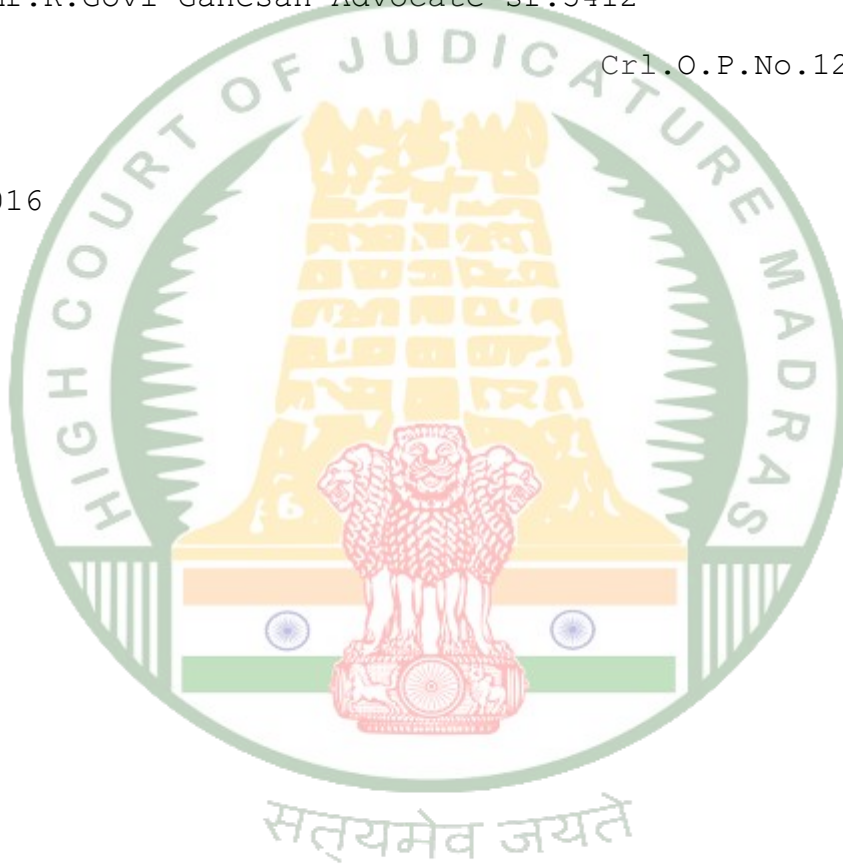
1.The Sub-Inspector of Police,
Anti Land Grabbing Cell,
O/o.District Crime Branch,
Tiruppur, Tiruppur District.

2.The Public Prosecutor,
Madras High Court, Madras.

+2 cc to Mr.K.Govi Ganesan Advocate sr.5412

Crl.O.P.No.1239 of 2016

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