

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. No.19467 of 2016

M. Wilson

Petitioner

Vs

1 State represented by
the Inspector of police
Central Crime Branch
(Land Grabbing) - Team II
Vepery
Chennai 600 007

2 MLM Sundaram

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records in Crime No.71 of 2012 pending on the
file of the first respondent and to quash the same.

For petitioner Mr. S.P. Siva Pradosh

For R1

Mr. C. Emalias

Addl. Public Prosecutor

For R2

Mr. R. Subburaj

ORDER

This Criminal Original Petition is filed to call for the
records in Crime No.71 of 2012 pending on the file of the first
respondent and to quash the same.

2 For the sake of convenience, the parties are referred
to by their name.

3 On the complaint given by MLM. Sundaram, the second
respondent herein, the first respondent police registered a case
in Crime No.71 of 2012 on 08.06.2012 u/s 420, 465, 468 and 471
read with Section 34 IPC against Sakunthala Ammal (A1), Ganesan
(A2) and Wilson (A3), challenging which, Wilson (A3) is before

this Court for quashing the FIR on the ground that the parties have arrived at an amicable settlement.

4 Today, MLM. Sundaram/de facto complainant and Wilson (A3) are present before this Court and they are identified by Ms. M.R. Manjula, Inspector of Police, CCB, Team-26, who is also present before this Court. MLM Sundaram has filed an affidavit, wherein, he has stated as follows:

"5 I most humbly submit that I had lodged a complaint dated 12/5/2012 with the respondent police against Mrs. Shakunthala Ammal, O. Ganesan and this petitioner. The respondent police on receipt of the complaint lodged a FIR in Crime No.71 of 2012 dated 08.06.2012 arraying Mrs. Shakunthala Ammal as (Accused-1), O. Ganesan as (Accused-2) and this petitioner as (accused-3) for offences u/s 420,465,468,471 r/w 34 of IPC.

6 I most humbly submit that the petitioner in this case Mr. Vilson is an innocent purchaser and when it came to his knowledge that this property belonged to me he executed a deed of cancellation of sale deed on 28.06.2012 with accused-2 which got to be registered as document no.4324 of 2012 with the SRO Padappai. The other accused-1 and accused-2 has also done the same and have executed cancellation of sale deed on 28.06.2012 which got to be registered as Document No.43232 of 2012.

7 I most humbly submit that I am enjoying free and peaceful possession of the said property. Therefore, consider the above facts that I am in possession of the said property and that the petitioner is being a innocent purchaser I am willing to settle the issues between me and the petitioner on my free will. I further state that I have no other claim against the said petitioner in any manner whatsoever with this petitioner. Hence, I do not intend to proceed with the case further.

8 I further submit that for the confirmation of above mutual settlement we have file this affidavit and appear before this Court in person to confirm the above mutual settlement duly entered between us. In the light of the facts both of us assure that we have settled the issues and have no further claims against each other and would not have any further court proceeding pertaining to the above issue against each other.

9 I am filing this affidavit to bring the above facts on record of this Hon'ble Court and pray that this Hon'ble Court may accept my affidavit and quash proceedings in Cr.No.71 of 2012 pending on the file of the first respondent."

In view of the above, the FIR in Crime No.71 of 2012 on the file of the first respondent police is quashed against all the accused, including the ones who have not approached this Court and this Criminal Original Petition is allowed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

cad

To

1 The Inspector of Police
Central Crime Branch
(Land Grabbing) - Team II
Vepery
Chennai 600 007

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

+2 CC to Mr. S.P. Sivepradash, Advocate Sr.NO.49455

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AD (CO)

MD : 20/09/2016

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