

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.19520 of 2016

Jayachandran

... Petitioner

Vs

1. The Inspector of Police,
Land Grabbing Wing-II (LG W-II)
Central Crime Branch, Vepery,
Chennai-600 007.

2. Pitchu Kutty,

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the FIR concerned in Crime No.424 of 2007 on the file Inspector of Police, Central Crime Branch, Land Grabbing Wing - II, Vepery, Chennai.

For Petitioner : Mr.S.Sasikumar

For Respondents : Mr.C.Emalias, APP (for R-1)
Mr.P.Gopiraja (for R-2)

O R D E R

This petition has been filed to call for the records and quash the FIR concerned in Crime No.424 of 2007 on the file Inspector of Police, Central Crime Branch, Land Grabbing Wing - II, Vepery, Chennai.

2. Heard the learned Counsel for the petitioner, learned Additional Public Prosecutor appearing for the State and the learned Counsel for the defacto complainant.

3. On the complaint lodged by Pitchu Kutty, the respondent police have registered a case in Crime No.424 of 2007 under Sections 419, 467, 468, 471 & 410 IPC against Tamizharasi, Sundar Rajan and Jagadeesan to quash which one

Jayachandran is before this Court, on the ground that the parties have arrived at a compromise. It may be necessary to state here that Jayachandran has not been named in the FIR but during the course of investigation, his name surfaced and he filed Crl op No.13783 of 2014 anticipatory bail, and this Court by order dated 06.06.2014, had granted him the relief.

4. Today Ms.M.R.Manjula, Inspector of Police is present. Jayachandran and Pitchu Kutty are also present and they are identified by the Inspector of Police.

5. The parties have filed a Memorandum of Compromise dated 31.08.2016, and the relevant portion reads as follows:

"Whereas the Party of the 1st party agreed to withdraw the criminal case against the 2nd party concerned in Crime No.424 of 2007. On the file of Inspector of Police, Central Crime Branch, Vepery, Chennai."

6. Both Pitchu Kutty and Jayachandran, have filed a joint affidavit, which reads as follows:

"We state that whereas the Party of the 1st Part agreed to withdraw the Criminal case in Crime No.424 of 2007 on the file of respondent herein and I return the entire original documents and Revenue Records relating to the property situated at Karanodai Village, measuring an extent of 1744 Sq.ft. Land comprised in old S.No.58/3, New S.No.58/3A3, Patta No.754.

We state that whereas the Party of the 1st Part executed a Sale Deed in favour of the Second Party at the office of Sub-Registrar, Redhills vide Doc.No.8665 of 2014 on 04.08.2014 in the presence of witnesses and the First Party received the entire sale consideration from the Second Party.

We state that whereas the Party of the 1st Part agreed to withdraw the criminal case against the 2nd Part concerned in Crime No.424 of 2007. On the file of Inspector of Police, Chennai Crime Branch, Vepery, Chennai. We state that there was a dispute regarding the Suit Property between them and the matter has been settled amicably between the parties and there is no illwill or bad feeling between the parties"

7. In view of the above, this petition is allowed and the entire prosecution in Crime No.424/2007 is quashed against all the accused, including those who have not approached this Court.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kp

To

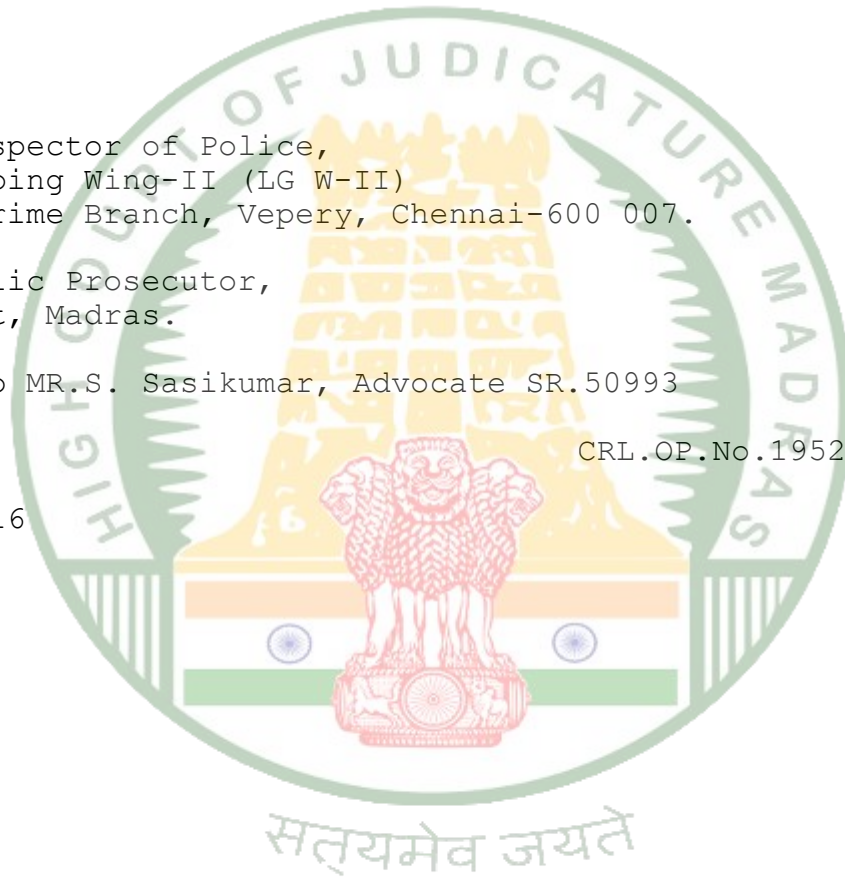
1. The Inspector of Police,
Land Grabbing Wing-II (LG W-II)
Central Crime Branch, Vepery, Chennai-600 007.

2.The Public Prosecutor,
High Court, Madras.

+ 3 ccs to MR.S. Sasikumar, Advocate SR.50993

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