

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2017

CORAM

THE HONOURABLE MR. **JUSTICE M.S.RAMESH**

Crl.O.P.No.648 of 2017

& Crl.M.P.Nos.461 & 462 of 2017

1.N.Sundaram
2.D.Sundaramoorthy ... Petitioners

Vs

1.State rep. by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Kanchipuram District.
2.S.A.Ravikumar ... Respondents

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.261 of 2015 pending on the file of the learned Judicial Magistrate No.II, Kanchipuram and to quash the same.

For Petitioners : Mr.G.Karthikeyan

For Respondent-1 : Mr.P.Govindarajan, APP

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ORDER

This petition is filed by the petitioners challenging the proceedings in C.C.No.261 of 2015 pending on the file of the learned Judicial Magistrate No.II, Kanchipuram and pending and to quash the

same.

2. Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the first respondent. Though notice was served on the second respondent/de-facto complainant and his name is also printed in the cause list today, none appears on his behalf. The learned Additional Public Prosecutor submitted that the case in C.C.No.261 of 2015 has been renumbered as C.C.No.97 of 2016 and the same is now pending before the learned Judicial Magistrate No.I, Kanchipuram.

3. The case of the petitioners is that the Managing Director of the de-facto complainant purchased 3 acres of land situated in Survey Nos.680, 681, 695/2, 700/2 and 701 at Thamal Village, Kanchipuram Taluk, Kanchipuram District. According to the case of the prosecution, the petitioners had created a forged lease deed and registered the same in favour of the second petitioner herein. In this background, the complaint came to be filed which culminated in the charge sheet dated 20.06.2013. In the meantime, the de-facto complainant and the petitioners entered into a compromise and to that effect, a memo of compromise dated 08.08.2011 has been filed, wherein it was specifically agreed that the lease deed dated 13.10.2008 came to be stand cancelled as the first petitioner had settled the de-facto

complainant and the second petitioner herein.

4. In view of the memo of compromise entered into between the de-facto complainant and the petitioners, I am of the view that the proceedings in C.C.No. 97 of 2016 pending on the file of the learned Judicial Magistrate No.I, Kanchipuram, need not be kept pending. In this background, the Criminal Original Petition is liable to be allowed. Consequently, the proceedings in C.C.No.97 of 2016 pending on the file of the learned Judicial Magistrate No.I, Kanchipuram stands quashed.

5. Accordingly, the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

03.08.2017

Index:Yes/No

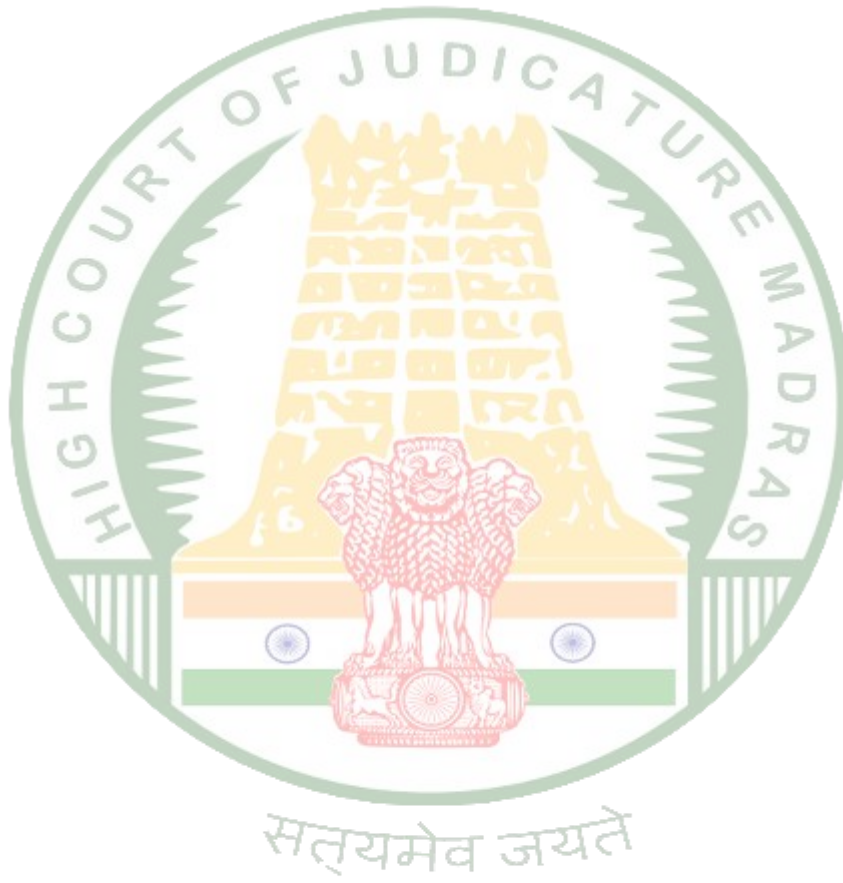
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To

1. The Judicial Magistrate Court-I,
Kanchipuram.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Kanchipuram District.

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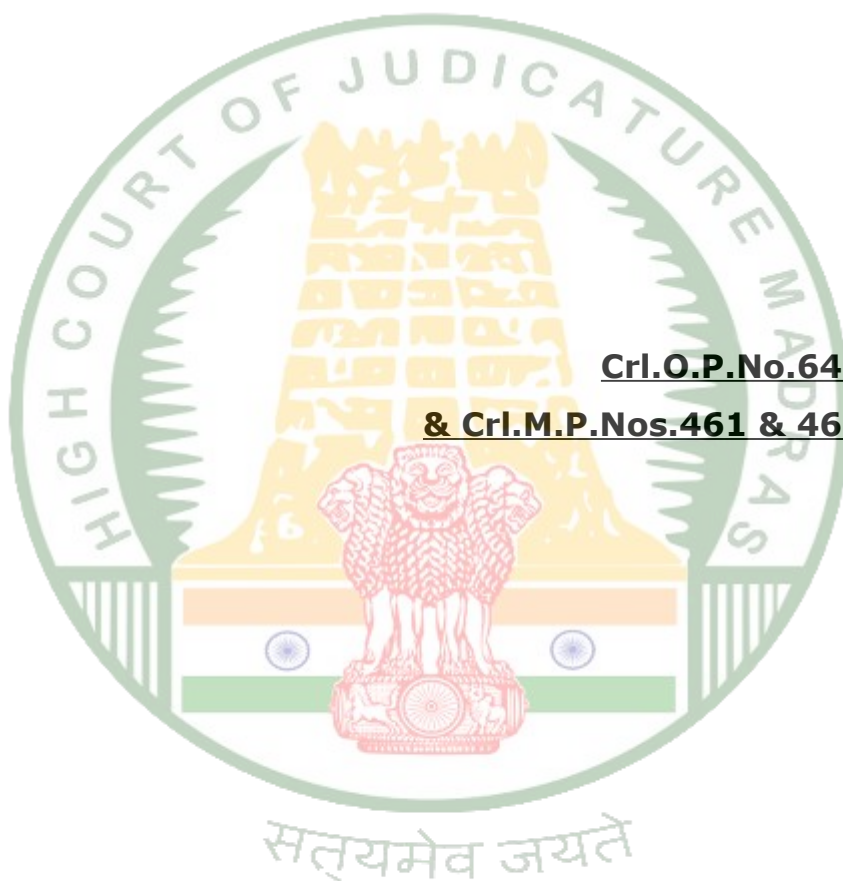
3.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH.J,

DP



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