



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

CORAM:

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

Cr1.O.P.No.14941 of 2018

1 Anantharaja
2 A.Sushma Petitioners

Vs.

1 State represented by the Inspector of Police
CCB Police Station
Salem City (Cr. No.5/2013)
2 S. Mallika Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to call for the records with respect to Cr. No.5 of 2013 pending on the file of the first respondent and quash the same.

For petitioners : Mr. R. Nalliyappan

For R1 : Mrs.P.Kritika Kamal
Government Advocate (Cr1.Side)

ORDER

This Criminal Original Petition has been filed seeking to call for the records with respect to Cr. No.5 of 2013 pending on the file of the first respondent and quash the same.

2 On the complaint lodged by Mallika, the second respondent/de facto complainant, the first respondent police has registered a case in Cr. No.5 of 2013 on 13.03.2013 for the offences under Sections 120-B, 465, 468, 471 and 420 read with 511 IPC against Anantharaja (A1), Sushma (A2) and Murugesan (A3) and unnamed others.

3 It is the case of the de facto complainant that she is the owner of the property measuring 3,180 sq. ft. in Ammapet, Salem and that she had given the property on lease to Anantharaja (A1) and Sushma (A2); Murugesan (A3) had created an unregistered Power of Attorney as if the de facto complainant



had empowered him to sell the property; on the strength of the said unregistered Power of Attorney, Murugesan (A3) is said to have executed a sale deed in favour of Anantharaja (A1) and Sushma (A2). Hence, the FIR.

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4 The learned Government Advocate (Crl. Side) submitted that the investigation in Cr. No.5 of 2013 was completed and a final report has been filed before the Special Court for Land Grabbing Cases, Salem; however, on account of the general order of stay granted by the Supreme Court, the Special Court has not taken the final report on file.

5 Today, Anantharaja (A1), Sushma (A2) and Mallika, de facto complainant are present before this Court and they are identified by Mr. N. Manickam, S.S.I, A.L.G.S.C., Salem City. Anantharaja (A1) and Sushma (A2) and Mallika, de facto complainant have filed a joint memo, wherein, it is stated as under:

"Now, the issue which is subject matter of the above complaint has been compromised between the petitioner and the second respondent. Hence, this Hon'ble Court may record this compromise memo and quash the Cr. No.5 of 2013 pending on the file of the first respondent and thus render justice."

6 In view of the above, the final report in Cr. No.5 of 2013 is quashed and as a sequel, this Criminal Original Petition is allowed on condition that the petitioners and also Murugesan (A3) pay a sum of Rs.1,000/- each as costs to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry. Though Murugesan (A3) is not before this Court, yet, in view of the fact that the matter has been compromised, the prosecution against Murugesan (A3) is also quashed.

In fine, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad



To

1 The Inspector of Police
CCB Police Station
Salem City

2 The Special Court for Land Grabbing Cases
Salem

3 The Section Officer
Accounts Section
High Court of Madras
Chennai 600 104

4 The Public Prosecutor
High Court, Madras
Chennai 600 104

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.46882

Crl.O.P.No.14941 of 2018

BS (Co)
CS/25/07/18