



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.17664 of 2018
and
Crl.M.P(MD) No.7845 of 2018

Amran Ibrahim

.. Petitioner/Sole Accused

vs.

1.The State Rep. by
The Inspector of Police
Othakadai Police Station
Madurai District

.. 1st Respondent/Complainant

2.Saiyathu Abdul Kathar

.. 2nd Respondent/ De-facto
complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to Crime No.177 of 2018 pending on the file of the first respondent police dated 16.04.2018 and quash the same.

For Petitioner : Mr.J.Anandkumar

For R1 : Mr.A.Robinson

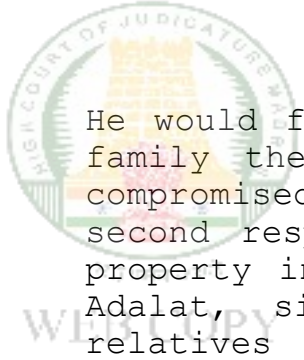
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.177 of 2018 on the file of the first respondent

2.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. The learned counsel for the petitioner would submit the petitioner and the second respondent are close relatives. He would also submit that the father of the petitioner had settled the scheduled mentioned property by a registered settlement deed dated 04.12.2009 in favour of the petitioner. The petitioner was under the bonafide impression that the property belongs to him and since there was a dispute, the petitioner claimed amounts from the second respondent, whereas the second respondent had given a complaint based on which the case had been registered in Crime No.177 of 2018.



He would further submit that due to intervention of elders in the family the dispute has been resolved and the matter has been compromised. He would also submit that the defacto complainant / second respondent has also filed a civil suit in respect of the property in O.S.No.232 of 2010 and the matter was referred to lok Adalat, since the petitioner and the defacto complainant are relatives the civil dispute also has been settled. He would also submit that the petitioner has not created or forged any documents and he had relied upon the settlement deed executed by his father who is no more.

4.A joint memo of compromise has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the respondent police. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Additional Public Prosecutor would submit that the case has been registered for offence under Sections 468, 471, 420 and 506(i) of IPC. However he would submit that the registered settlement deed had been executed by the father of the petitioner who is no more.

6.Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.177 of 2018 pending. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 (9) SCC 641 (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraht), and this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Crime No.177 of 2018 as against the petitioner herein.

7.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.177 of 2018 on the file of the first respondent is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner and the second respondent shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as costs, by way of Demand Draft in favour of the 'Chief Minister's Public Relief Fund' and hand it over to the Registrar (Judicial) of the Madurai Bench of Madras High Court, Madurai, within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo for reporting compliance in the Registry. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(co)

/True Copy/



To

1. The Inspector of Police
Othakadai Police Station
Madurai District

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

1. The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.Anandkumar Advocate in SR.No.100392

+1cc to Mr.T.Lajapthi Roy Advocate in SR.No.100541

Cr1.O.P. (MD) No.17664 of 2018
and
Cr1.M.P (MD) No.7845 of 2018
14.12.2018

AAV

SPSV SAR1 24.12.2018 3P 6C