

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.11.2018
Pronounced on : 10.01.2019

CORAM
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20499 of 2011
and
M.P.No.1 of 2011

S.Senthil Kumar,
S/o.Subbiah.

... Petitioner/A8

Vs.

- 1.State Rep. by
The Inspector of Police,
Chennai City Crime Branch,
Egmore,
Chennai - 600 008. ... Respondent/Complainant
- 2.R.Srinivasan,
S/o.T.Rajappah. ... Respondent/Defacto-
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records of the charge sheet pending in C.C.No.8189 of 2010 in Cr.No.113 of 2010 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai - 600 015 and to quash the charge sheet.

For Petitioner : Mr.M.Balasubramanian

For R1 : Mrs.V.Saratha Devi,
Government Advocate [Cr1.Side]

For R2 : No appearance

O R D E R

The petitioner herein has filed the quash petition to quash the charge sheet in C.C.No.8189 of 2010 pending on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai - 600 015 for the offences under Sections 420, 465, 467, 468, 471 r/w 120(b) of the Indian Penal Code.

2.The petitioner had been arrayed as A8. The second respondent is the defacto-complainant, who had preferred a complaint before the first respondent against the petitioner and the others for creating forged documents.

3. On 03.02.2005, the real owners of the property situated at Door No.6, Pallavan Salai, Othavadi Street, Nesapakkam, Chennai namely one Jagadammal and six others had executed a registered Sale Deed with the petitioner for some sale consideration and he was put into possession and enjoyment of the same. Thereafter, the said Jagadammal and six other had sold the same property to the second respondent by another Sale Deed dated 02.03.2007. The said Jagadammal and six others did not stop with that they had also executed another Sale Deed in respect of the same property to one Mr. Subbiah. This provoked the defacto complainant to lodge a complaint with the respondent Police for and alleged offences against the said Jagadammal and six others and against Mr. Subbiah and against this petitioner. On completion of investigation the first respondent had filed the charge sheet as mentioned above.

4. In the mean time, the second respondent had filed a Civil Suit before this Court in C.S.No.777 of 2009. According to the petitioner, by virtue of the sale deed dated 08.02.2005, the petitioner was the real owner and the second respondent claimed to be the real owner by registered Sale Deed dated 02.03.2007. During the pendency of the Civil Suit a settlement was arrived at between the petitioner and the second respondent and a compromise memo was filed before this Court in C.S.No.777 of 2009 in which paragraph No.3 of the memo had been mentioned that the second respondent to withdraw the complaint registered in Crime No.245 of 2010 and not to proceed any further in this case.

5. The learned Government Advocate [Crl.Side] on enquiry submits that a compromise had been arrived at between the petitioner and the second respondent. In view of the same the case is not proceeded with.

6. In view of the compromise and the submission made by the petitioner, this Court quashes all the proceedings in Crime No.245 of 2010 before R10 Police Station.

7. Accordingly, this Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

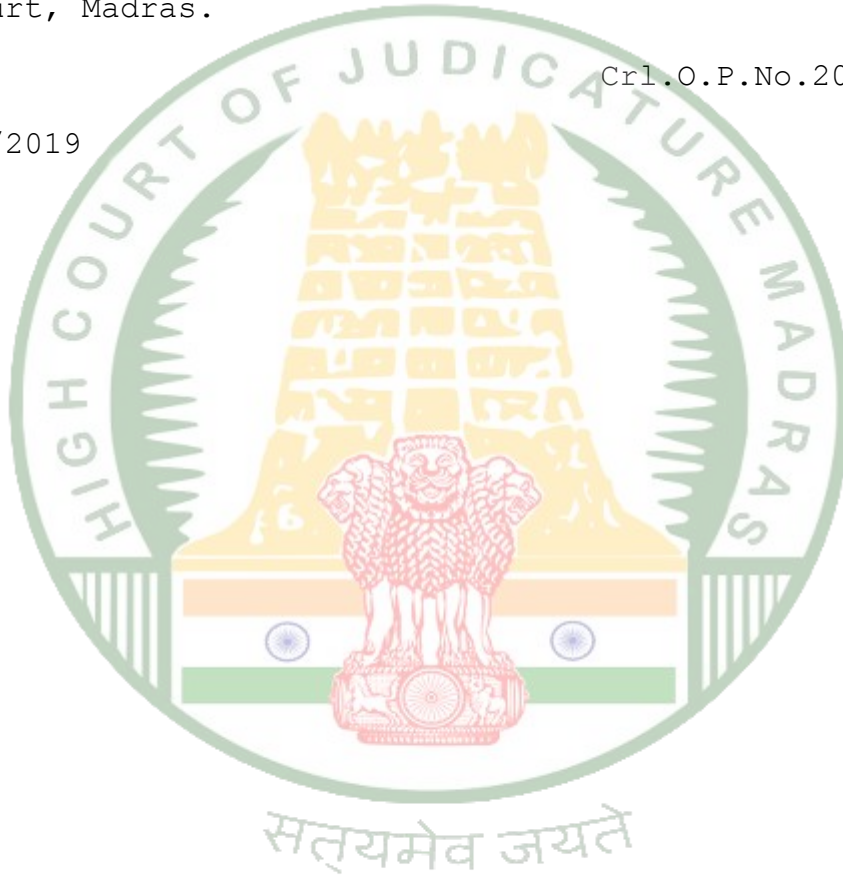
1.The XI Metropolitan Magistrate,
Saidapet, Chennai - 600 015.

2.The Inspector of Police,
Chennai City Crime Branch,
Egmore,
Chennai - 600 008.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.20499 of 2011

rrs 19/02/2019



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