

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.16894 of 2010

S.Senthil Kumar,
S/o.Subbiah.

... Petitioner/Accused

Vs.

1.State Rep. by the Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai - 78.
[Cr.No.245 of 2010].

2.R.Srinivasan,
S/o.T.Rajappah.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pending in Cr.No.245 of 2010 on the file of the Inspector of Police, R10, M.G.R. Nagar Police Station, Chennai - 600 078 and quash the same.

For Petitioner : Mr.M.Balasubramanian

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

For R2 : No appearance
* * * * *

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O R D E R

The petitioner, who is an accused in Cr.No.245 of 2010 on the file of the Inspector of Police, R10 Police Station, for the offences under Sections 147, 341, 294(b), 427 and 392 of the Indian Penal Code has filed the above quash petition.

2.The FIR for the above said offences came to be registered on the complaint given by the second respondent herein.

3.The gist of the complaint is that the second respondent, who is the owner of Door No.6, Pallavan Salai, Othavi Street, Nesapakkam, Chennai. The above said property was trespassed by one Viswanathan and had put up a hut, for which on 18.09.2009, the second respondent had given a complaint to the first respondent and the said Viswanathan had appeared on 13.10.2009 and had given an undertaking that he would vacate the hut from the place.

4.On 12.11.2009, at about 03.00 p.m. when the second respondent was in the site, the petitioner namely Senthil Kumar along with ten others had interfered with the work being carried out in the site and had threatened them and chased away. At that time, the petitioner's mobile phone valid about Rs.3,500/- was taken away and the name board of the second respondent in the site was damaged.

5.The contention of the learned counsel for the petitioner is that the property at Nesapakkam belonged to one Jagadammal and six others and on 03.02.2005 the said 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, for which the case was registered against the said Jagadammal and six others.

6.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.

7.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.

8.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.

9. Accordingly, this Criminal Original Petition stands allowed.

Sd/-
Deputy Registrar

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Sub Assistant Registrar

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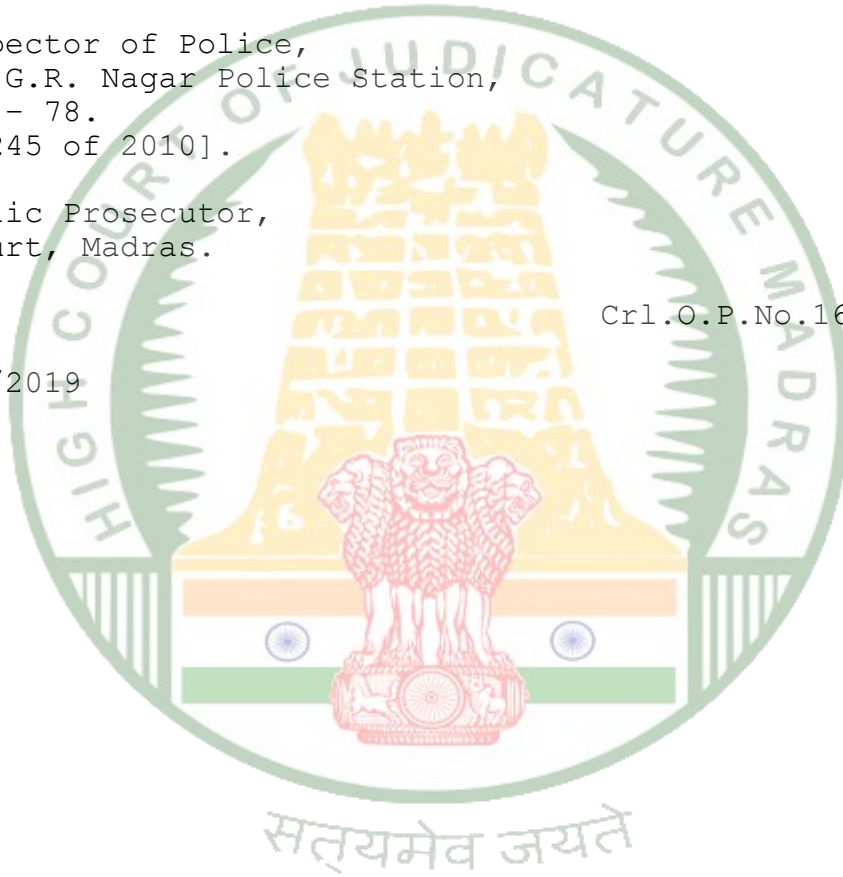
To

1. The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai - 78.
[Cr.No.245 of 2010].

2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.16894 of 2010

rrs 19/02/2019



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