

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11263 of 2019

1.M.Margabandu
2.Sankar
3.Prakash
4.Neelamegam
5.Hari Baskar
6.Rani.

...Petitioners

Vs.

1. The Inspector of Police,
District Crime Branch,
Thiruvannamalai.

2.M.Kanchana

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and quash the F.I.R. in Crime No.11 of 2018 pending on the file of Inspector of Police, District Crime Branch, Thiruvannamalai, and quash the same.

For Petitioners : Mr.M.Balaji

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.side)

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to quash the F.I.R in Crime No.11 of 2018, pending on the file of the Inspector of Police, District Crime Branch, Thiruvannamalai, pursuant to the compromise arrived at by the parties.

2.The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.An affidavit by the defacto complainant has been filed before this Court which has been duly signed by the defacto

complainant. The defacto complainant and the 5th respondent are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.The relevant portion of the affidavit filed by the defacto complainant is extracted hereunder:

"3.I submit that I am none other than the mother of the 5th petitioner, the wife of the first petitioner. It is respectfully submitted that originally the property has been purchased by the 1st petitioner in favour of me during the year 2002.

4.I submit that there was difference of opinion between me and the 1st petitioner. Based on the difference of opinion that the 1st petitioner has executed Settlement Deed in favour of the 5th petitioner who is son of the 1st petitioner. Aggrieved that I have made a complaint before the 1st respondent and the same has been registered by the 1st respondent punishable under sections 420, 463, 465, 468, 471 of IPC.

5.I submit that now the 1st petitioner has cancelled the alleged settlement deed and the case been solved among the parties. Now disputed properties stands in my name.

6.I submit that the above said case has been settled amicably among the parties. Further, it is submitted that nothing survives in the above said case."

5.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are not compoundable in nature. 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.11 of 2018.

6.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.11 of 2018, on the file of the Inspector of Police, District Crime Branch, Thiruvannamalai, is quashed and the affidavit filed by the defacto complainant shall form part and parcel of this Order. Each of the petitioners shall pay a sum of Rs.5,000/-, as costs, to the "Udavam Karangal" Adi Annamalai Girivalam Road, (Near

Varunalingam Temple) Tiruvannamalai-606 601. 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 reporting compliance in the Registry.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

rm

To

1.The Inspector of Police, District Crime
Branch,Thiruvannamalai.
(Crime No.11 of 2018)

2.The Public Prosecutor, High Court, Madras.

3. The Secretary,
Udavum Karangal
Adi Annamalai Girivalam Road,
(Near Varunalingam Temple)
Tiruvannamalai-606 601

4. The Section Officer, Criminal Section,
High Court, Madras
(To watch Compliance)

+lcc to Mr.M.Balaji, Advocate SR.No.40862

NRL(CO)
GMY(23/05/2019)

Cr1.O.P.No. 11263 of 2019

सत्यमेव जयते
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