



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **10.04.2019**

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.5470 of 2019

1.Madar Mohamed Rafiq

2.Kadher Mydeen

.. Petitioners / Accused Nos.2 & 3

Vs.

The State Rep. by

1.The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.6 of 2014)

.. 1st Respondent / Complainant

2.Mohamed Alilal

... 2nd Respondent / De-facto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records pertaining to the case in C.C.No.28 of 2017 pending on the file of the Special Court for Anti-Land Grabbing Cases, Tirunelveli and quash the same as against the petitioners.

For Petitioners: Mr.R.Anand

For R1 : Mr.A.P.G.Ohm.Chairma Prabhu,
Government Advocate (Crl.Side).

For R2 : Mr.A.H.Syed Ahamed

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.28 of 2017, as against the petitioners, pending on the file of the Special Court for Anti-Land Grabbing Cases, Tirunelveli.

2.The first accused in C.C.No.28 of 2017, had approached this Court in Crl.O.P.(MD)No.20847 of 2018, seeking the aforesaid relief, wherein this Court has passed the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>
"2. When the said Criminal Original Petition was taken up for hearing on 23.11.2018, this Court had passed the following order:-



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

2.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.

3.Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.28 of 2017 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.28 of 2017, as against the petitioner herein.

4.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.28 of 2017, on the file of the Special Court for Anti-Land Grabbing Cases, Tirunelveli, are quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as costs, by way of a crossed Cheque or by means 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.'

3.Before the order copy was made ready, since it was found out that the offences alleged in this case are under Sections 420, 465, 467, 468, 471 and 120-B IPC, the matter was directed to be listed today [10.04.2019] under the caption 'for clarification'.

4.The learned counsel appearing for the petitioner would submit that even taking into consideration the FIR in entirety, the allegations do not make out a case for forgery. The allegation itself is that the share belonging to the second respondent/de-facto complainant has been included in a settlement deed executed among the family members. He would further submit that in respect of the very same complaint, a suit has also been filed.



Moreover, the alleged settlement deed is also an unregistered settlement deed among the the family members and it has not been produced or acted upon before any public authority. He would further submit that based on the compromise entered between the parties, the suit in O.S.No.226 of 2013 has also been withdrawn. He would also submit that the accused and the de-facto complainant are own brothers and that no public document has been tampered with.

5.The learned Additional Public Prosecutor, on verification, would submit that it is a dispute between the brothers and that there was a suit pending and the complaint is based on the unregistered settlement deed executed among the family members and he would also submit that the brothers have compromised and the suit has been withdrawn.

6.In view of the above submission, no clarification is required and this Criminal Original Petition stands allowed, as stated in Paragraph 2 above.

3.In view of the above, this Court is inclined to allow this criminal original petition and as a sequel, the proceedings in C.C.No.28 of 2017, on the file of the Special Court for Anti-Land Grabbing Cases, Tirunelveli, are quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each as costs, by way of a crossed Cheque or by means of Demand Draft in favour of the 'Chief Justice 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.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

To

1.The Judge,
Special Court for Anti-Land Grabbing Cases,
Tirunelveli.

2.The Inspector of Police,
City Police Branch,
Tirunelveli City.



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

Copy To:

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

2.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-60219[F] dated 10/04/2019)

Cr1.O.P. (MD)No.5470 of 2019
10.04.2019

Myr
ES/22.04.2019/4P/7C