

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.08.2020

CORAM

THE HONOURABLE MR.JUSTICE. M.NIRMAL KUMAR

Cr1.O.P.No.24356 of 2015

1. Nagasami Reddiar,
S/o.Royal Reddiar
2. N.Subramani,
S/o.R.Nagasami Reddiar
3. N.Purusothaman,
S/o.R.Nagasami Reddiar ... Petitioners

Vs.

1. The State Represented by,
The Inspector of Police,
Central Crime Branch,
Anti-Land Grabbing Cell,
Vepery,
Chennai - 600 007.
(then- The Inspector of Police,
Central Crime Branch Team-I,
Suburban Police, St.Thomas Mount,
Chennai - 600 016.
- 2.N.Anandan,
S/o.Neelakandan ... Respondents

Prayer:

Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records of the first respondent in FIR No.148 of 2009 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.Senapathi

For R-1 : Mr.K.Prabakar,
Additional Public Prosecutor

For R-2 : Mr.M.Benazir Begum

ORDER

(This case has been heard through video conferencing)

The petitioners who were accused in Crime No.148 of 2009 for the offence under Section 468, 420 and 506(ii) of IPC had filed this quash petition.

2. The gist of the case is that the second respondent/defacto complainant had received a property measuring 2608 Sq.ft in Survey No.317/1B1A1-B in Madhuravoyil by way of settlement through his mother. This property was purchased in the year 1990 and the property was settled by a registered document No.4159/2005 dated 15.07.2005; from that day onwards, the defacto complainant was enjoying the property. On 22.10.2009 at about 9.00 a.m., the second respondent, to carry on construction in the said property, had gone along with some workers to clear the field. At that time A2 and A3 who are the sons of A1 had obstructed and also removed the name board placed there. When the same was questioned by the defacto complainant, it was stated that the petitioners are the owners of the property and not the defacto complainant. Thereafter, the defacto complainant had verified the documents and found that encumbrance had been created by the petitioners by creating forgery and that since the property was valued around Rs.16 lakhs, the petitioners, altering the boundaries and survey Numbers had sold the same property to others. Hence the complaint came to be lodged.

3. The learned counsel for the petitioners submits that the petitioners held vast track of land in that area and they had developed housing plots and have been selling it and some plots were sold. During the process there have been some confusion and error had crept in the boundaries and the survey numbers, hence the dispute arose between the petitioners and the defacto complainant. Thereafter, the petitioners and the defacto complainant, on verification of records and documents have decided to sort out the difference between them.

4. The learned counsel for the respondent would submit that a civil suit filed by the first petitioner in O.S.No.370/2009, before the Additional District Munsif Court, Poonamallee, was pending. With regard to the dispute between them, in furtherance to the negotiation and compromise, both parties have resolved their dispute and the Deed of Compromise and Declaration was recorded on 16.03.2015. A Compromise Memo was filed before the Civil Court in O.S.No.370/2009. Followed by the Compromise Memo, the Civil Court, by judgment dated 27.03.2015 in O.S.No.370/2009, recording the said joint compromise memo by both parties, the petitioner as well as the second respondent who were examined as witnesses, dismissed the civil suit in

O.S.No.370/2009 dated 27.03.2015. As such, the compromise memo has been accepted in the judicial proceedings. The defacto complainant had given a letter to the first respondent police on 29.05.2015 admitting the compromise, resolving their disputes and wanted to withdraw the complaint in the above case. The Declaration Deed dated 16.03.2015 and the Compromise Memo dated 18.03.20015 were filed before the Civil Court. The Judgment of the Additional District Munsif Court, Poonamallee in O.S.No.370/2009 dated 27.03.2015 and the letter of the second respondent dated 29.05.2015 are produced.

5. Heard the learned counsel on both sides and perused the materials placed on record.

6. It is seen from the Judgment in O.S.No.370/2009, a joint memo filed by both parties namely the first petitioner Nagasamy Reddiyar and the second respondent N. Anandan, in which their presence, deposed as witnesses, as well as the compromise are recorded. Thereafter the judicial order passed by the civil court. Thus the compromise between the petitioner and the second respondent is not in dispute. On the other hand, it is confirmed and approved by the civil court.

5. In view of the same, the Criminal Original petition is allowed and the proceedings against the petitioner in C.C.No.148/2009 is quashed. Accordingly, this Criminal Original petition is allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

SSI

To

1. The Additional District Munsif Court, Poonamallee.
2. The Inspector of Police,
Central Crime Branch,
Anti-Land Grabbing Cell,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
Central Crime Branch Team-I,
Suburban Police, St.Thomas Mount,
Chennai - 600 016.

4. The Public Prosecutor,
High Court, Madras.

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AJS (CO)
CS/02/11/2020



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