



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.1301 of 2020

WEB COPY

Dr.Silambu Selvi

..Petitioner/Accused No.11

Vs.

1.State Rep. By

The Inspector of Police,

City Crime Branch,

Tirunelveli City,

Tirunelveli District.

(Crime No. 28 of 2017) ...1st Respondent / Complainant

2.Chandra Nagum

...2nd Respondent /De-facto complainant

PRAYER: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.1616 of 2019 on the file of the Judicial Magistrate No.I, (Special Court for Land Grabbing Cases) Tirunelveli, Tirunelveli District and quash the charge sheet in so far as the petitioner herein.

For Petitioner : Mr.A.Thiruvadikumar

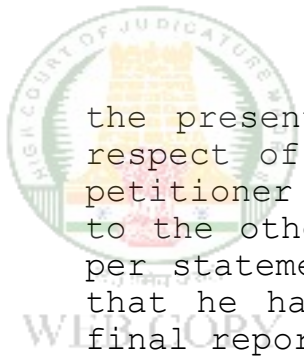
For 1st Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

For 2nd Respondent : Mr.S.Vinayak

O R D E R

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.1616 of 2019 on the file of the learned Judicial Magistrate No.I, (Special Court for Land Grabbing Cases) Tirunelveli, Tirunelveli District as against the petitioner herein.

2. The learned counsel appearing for the petitioner would submit that the petitioner has been arrayed as A-11. He would further submit that the petitioner is an innocent purchaser had purchased the property in dispute from one A-10/Manikandan during the year 2012 after paying valid consideration and thereafter, it came to light that the defacto complainant is the original owner of the property. The petitioner had compromised the matter and subsequently, the defacto complainant had filed a suit in O.S. No. 106 of 2015 seeking direction to declare that the sale deed in Doc. No.5236/2012 as null and void and the suit has also been decreed on 16.02.2018. Thereafter, after paying consideration to the defacto complainant had once again purchased the property from the defacto complainant vide sale deed, dated 24.05.2018. Even prior to the filing of the final report, the petitioner and the second respondent have compromised the matter and also filed a compromise memo before this Court. In the meanwhile, final report has been filed thereby,



the present petition has been filed to quash the charge sheet in respect of the petitioner alone. He would further submit that the petitioner is a innocent purchaser and that he has also lost money to the other accused against whom the proceedings are pending. As per statement of L.W.1/Chandranaguru, he had stated that he had agreed to compromise even prior to the filing of the final report.

3. A Joint Memo of Compromise has been filed before this Court, which have 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 police officials. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No. 1616 of 2019 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No. 1616 of 2019.

5. It is represented by the learned counsel for the petitioner that the petitioner paid a sum of Rs. 10,000/- (Rupees Five Thousand only) as costs to the Credit of Rojavanam Old Age Home, Madurai and filed the original cash receipt along with this memo on 27.01.2020. The said submission is placed on record.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No. 1616 of 2019, on the file of the learned Judicial Magistrate No.I, (Special Court for Land Grabbing Cases), Tirunelveli, Tirunelveli District, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

ksa

Encl : Xerox copy of joint compromise memo

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Judicial Magistrate No.I,
(Special Court for Land Grabbing Cases),
Tirunelveli, Tirunelveli District.
2. The Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+3 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-3334[F] dated
28/01/2020)

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27.01.2020

VB(05.03.2020) 3P 8C