

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
CRL.O.P.No.2238 of 2021
and
Crl.MP.No.1229 of 2021

O.V.Padmavathy ..Petitioner/Accused -3
.Vs.

1.State by its
Inspector of Police,
Central Crime Branch,
Team No.XVII 'A' Vepery,
Chennai. ...1st Respondent/Complainant

2.Smt.S.Devika Rani ... 2nd Respondent/
De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Calender Case No.5216 of 2020 pending before the learned CCB/CBCID Court, Egmore, Chennai in Cr.No.418 of 2011 as far as the petitioner is concerned and quash the same.

(Court is Amended as per order in Crl.MP.No.4510/2021 in Crl.OP.No.2238 o 2021 dt.04.03.2021).

For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Mr.C.Raghavan
Government Advocate
for R 1

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed challenging the proceedings in Calender Case No.5216 of 2020, pending on the file of the CCB/CBCID Court, Egmore, Chennai.

2.Mr.Kannan, Sub Inspector of Police was present at the time of hearing. The respondent Police on completion of investigation have filed a final report as against three accused persons and the petitioner has been arrayed as A-3. The main grievance of the de facto complainant insofar as the petitioner is concerned is with regard to the sale deed that was executed in favour of the petitioner by one Rajivram, who is A-2 in the present case. According to the de facto complainant, the said

Rajivram had absolutely no right over the property and the petitioner had purchased the property knowing fully well about the same.

3. When the matter came up for admission, the learned counsel for the petitioner brought to the notice of this Court, the ratification deed executed by the de facto complainant along with six others in favour of the petitioner on 17.10.2017, registered as Document No.6100 of 2017. The learned counsel by pointing out to this document, submitted that the de facto complainant compromised the dispute insofar as the petitioner is concerned and has also received a consideration of sum of Rs.40,20,000/-. The learned counsel therefore submitted that the proceedings against the petitioner has to be quashed on the ground of the compromise between the parties.

4. The learned Government Advocate on instructions submitted that the de facto complainant is a lady aged about 82 years and she is not in a position to move around and therefore, she was not able to come to the Court today. The learned Government Advocate further submitted that there is a registered document executed in favour of the petitioner by the de facto complainant and even in the ratification deed, there is a specific reference to this criminal case and it has been specifically stated that the parties are arriving at an amicable settlement and compromise. The learned Government Advocate also submitted that this Court may consider the said document and pass orders.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The main grievance that was expressed by the de facto complainant was only as against A-1 and A-2 and the petitioner who was arrayed as A-3 was only a subsequent purchaser. The de facto complainant thought it fit to amicably settle the dispute and hence a deed of ratification came to be executed by the de facto complainant along with others in favour of the petitioner with respect to the subject property and the petitioner had also paid a consideration of a sum of Rs.40,20,000/-. There is also a specific reference to the criminal case in the said deed which has been compromised between the parties insofar as the petitioner is concerned.

7. In view of the above, no useful purpose will be served by making the petitioner undergo the ordeal of facing a trial before the Court below. The continuation of the proceedings against the petitioner will only amount to an abuse

of process of Court which requires the interference of this Court.

8.In the result, the proceedings in Calender Case No.5216 of 2020, on the file of the CCB/CBCID Court, Egmore, Chennai, is hereby quashed only insofar as the petitioner/A3 is concerned.

9.This Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

KP

To

1. Inspector of Police,
Central Crime Branch,
Team No.XVII 'A' Vepery,
Chennai.

2. CCB/CBCID Court,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1CC TO MR.M.KRISHNAMURTHY, ADVOCATE, SR.NO. 14250

CRL.O.P.No.2238 of 2021

PL(CO)
KKN 28.04.2021

WEB COPY