



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.10033 OF 2021

Anthony Seviour

... Petitioner

Versus

1. State through the Inspector of Police,
Central Crime Branch,
Land Grabbing Team XVIII, Veppery,
Chennai 600 007.
Crime No.158 of 2012.

2. A.Selvam

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.5058 of 2020 now pending on the file of the learned Exclusive Trial of CCB Cases, Egmore, Chennai and quash the same.

For Petitioner : Mr.V.Rajasekar for
Mr.N.Mahendra Babu

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

For R2 : Mr.K.Manimaran

ORDER

The Criminal Original Petition has been filed to quash the proceedings in C.C.No.5058 of 2020 pending on the file of the Exclusive Trial of CCB Cases, Egmore, Chennai.

2.The gist of the case is that the 2nd respondent/defacto complainant lodged a complaint on 02.12.2011 against his sister/A1 and his sister's son/petitioner/A2 that the 2nd respondent and his sister/A1/Pitchamma had purchased the property of 2672 sq.ft jointly in document No.4725 of 1981 on 12.10.1981, in which the 2nd respondent's share is 1307 sq.ft.



In his share, the 2nd respondent constructed a small house and residing there. A1, who is the sister of the 2nd respondent with the intention to grab the entire property of his brother, on 05.12.2008 had settled the entire property purchased in both their names by way of settlement deed in No.4177 of 2008 in favour of his son, the petitioner/A2 herein. The petitioner was a Driver with one powerful political person. Hence, the property was attempted to be usurped by way of settlement deed. The value of the property is around Rs.50 lakhs. On conclusion of investigation, charge sheet was filed by the 1st respondent, for offence under Sections 120(b) r/w 467, 468, 471, 420, 448 and 506(i) IPC, arraying A1-Pitchamma; A2/the petitioner; A3-Prakash and A4-Gandhi, listing seven witnesses as LW1 to LW7 and documents. The trial Court on taking the same on file in C.C.No.5058 of 2020.

3.The learned counsel for the petitioner submitted that the 2nd respondent is none other than the maternal uncle of the petitioner/A2. The petitioner's mother/A1 and the 2nd respondent had purchased the property jointly, which is not known to the petitioner. The petitioner/A2 along with his mother/A1 were residing in the said property independently and never the defacto complainant stayed there or made any claim. The petitioner's mother/A1 had settled the property in favour of the petitioner/A2 and thereafter, the petitioner had been in enjoyment of the property. After lodging the complaint, the petitioner/A2 came to know that the property was purchased jointly by the petitioner's mother/A1 and the 2nd respondent. At intervention of the elders and family members, the issues are now resolved. Hence, he prayed for quashing the proceedings.

4.The learned counsel for the 2nd respondent appeared and filed the Joint Compromise Memo and also an affidavit informing that the 2nd respondent's sister A1-Pitchamma died on 08.11.2018. It is she, who had executed the settlement deed in favour of the petitioner/A2. After the demise of A1, a settlement was arrived between the parties. As per settlement, the 2nd respondent sold vacant property of 287 sq.ft out of 1300 sq.ft vide sale deed No.5095 of 2018 to the petitioner. The 2nd respondent received Rs.3 lakhs in cash and Rs.5 lakhs by way of Demand Draft No.009062 drawn on HDFC Bank, dated 19.11.2018. Both the families now realized their mistake and joined together and continuing their relationship with harmony. Hence, the 2nd respondent is not intending in proceeding against the petitioner/A2 and is willing to compound the offence.

5.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent Police submitted that the dispute is between the 2nd respondent and her sister/A1. The petitioner is the son of A1. A2 and A3 are witnesses to the document, other



than that they have no role. On receipt of the complaint, a case was registered, investigation completed and charge sheet filed before the concerned Court. Now, the dispute has been resolved.

6. It is seen that the case is still at the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

7. Joint Memo of Compromise dated 15.06.2021 and affidavit of the 2nd respondent dated 15.06.2021 filed before this Court which is signed by the petitioner and the 2nd respondent and also by their respective counsel. In the Joint Memo of compromise, it is stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.5058 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement.

8. Under such circumstances, no useful purpose will be served in keeping the case 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), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.5058 of 2020, pending on the file of the learned Exclusive Trial of CCB Cases, Egmore, Chennai against the petitioner/A2 and other accused Nos.A1, A3, A4.

9. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.5058 of 2020, pending on the file of the learned Exclusive Trial of CCB Cases, Egmore, Chennai, is quashed against all the accused Nos.A1 to A4 and the terms of joint compromise memo shall form part and parcel of this order.

* Xerox Copy of Joint Memo of Compromise and Affidavit of A.Selvam (2nd Respondent) enclosed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vv2/dna



To

1. The Presiding Officer,
Exclusive Trial of CCB Cases, Egmore,
Chennai.

2. The Inspector of Police
Central Crime Branch
Land Grabbing Team XVIII, Veppery
Chennai 600 007

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Mahendra Babu, Advocate, S.R.No.29774

+1cc to Mr.N.Mahendra Babu, Advocate, S.R.No.27635

CRL.O.P.No.10033 of 2021

KV(CO)
CS/19/08/2021