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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.11093 of 2021

Mr.S.Sorna Senthil
No.2

... Petitioner/Accused

Vs.

1.The Inspector of Police,
J7, Velachery Police Station,
Chennai.
(Cr.No.826 of 2020).

..1st Respondent/Complainant

2.V.K.Harikrishnan

... 2nd Respondents/
Defacto Complaint

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No.826 of 2020 on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Thenrajan

For R1 : Mr.A.Damodaran
Government Advocate (Cr1. Side)

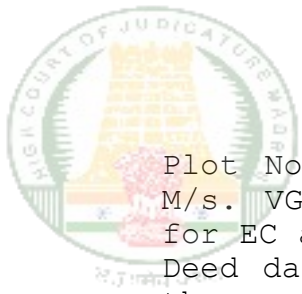
For R2 : Mr.R.Ragavendran

O R D E R

The Criminal Original Petition has been filed to call for the records in FIR in Crime No.826 of 2020 on the file of the first respondent and quash the same.

2.The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.This gist of the case is that the M/s.VGP Housing Ltd., represented by its Managing Director VG Partner Das obtained a Power of Attorney from one Mr.K.Balasubramaniam by a registered Geneal Power of Attorney dated 19.06.1978, registered as Document No.685/1978, before Saidapet SRO for the property measuring about 7 acres and 11 cents situated at S.No.323, 324, 316/6J, 322, Velacherry Village. After becoming the power agent of Mr.K.Balasubramaniam, the said M/s.VGP Housing Ltd formed a layout consisting of various plots and named the same as VGP Selva Nagar and obtained layout vide LPDM/DDTP No.231/1974. There were certain portion of the said property which were not sold, one such portion was



Plot No.142 measuring about 2933 sq. ft. In the year 2019, M/s. VGP Housing wanted to sell the Plot No.142 and applied for EC and they were shocked to find out that there was a Sale Deed dated 30.08.1982, registered as Document No.3445/1982 in the name of the first accused conveyed by the said VG Paneer Das, Managing Director of M/s.VGP Housing Ltd. They had also applied for EC for the period between 1978 to 1985 and there was no such sale deed entry available and in the said 2019 Encumbrance Certificate it is stated as if the said document is worded as Mortgage Deed. Based on the sale deed dated 30.08.1982, one Saraswathi/first accused allegedly appointed the petitioner as her power agent by a registered GPOA dated 29.03.2019 and with the said GPOA, the petitioner had sold the property to one Mr.Donny Michael. Hence the second respondent filed the present complaint to take penal action against the petitioner and others and the officials of Saidapet, Joint II SRO.

4.One Saraswathi had purchased the property situate at Plot No.142, S.No.324 part, Velacherry Village, Chennai by a registered Sale Deed dated 30.08.1982, registered as Documents No.3445/1982, from M/s.VGP Housing Pvt. Ltd. represented by its MD VG Panner Das. The said VG Panner Das executed the said document as a Power Agent of said K.Balasubramaniam. The above said Saraswathi had shifted her residence to Kerala, she wanted to convey the above said lands, since she could not be present for the execution of the documents, she had appointed the petitioner herein by a registered GPOA dated 29.03.2019, registered as Document No.2068/2019. Thereafter the petitioner as a Power Agent of the first petitioner, conveyed the said property in favour of one Mr.Donny Michael by a registered Sale Deed dated 22.05.2019, registered as Document No.3253/2019, before the Sub Registrar, Velacherry. Thereafter, he had lodged a complaint with the first respondent on 30.07.2020 and against which FIR came to be registered on 07.12.2020 in Crime No.826 of 2020 for the offence under Sections 420, 466, 468, 471 IPC.

5.In the mean time, the petitioner and the other accused had moved anticipatory bail application before this Court in CrI.O.P.Nos.15908, 15636, 16200 of 2020 and this Court by order dated 17.04.2021 had granted anticipatory bail to the petitioner and the other accused. During the pendency of the above said anticipatory bail a compromise was arrived and there the second respondent had undertook to withdraw the complaint as against the petitioner and others.

6.To that effect, an affidavit dated 15.06.2021 has been filed by the second respondent before this Court. The petitioner and the second respondent were also present through Video conferencing. In the said affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.826 of 2020. This Court also enquired both the parties and



satisfied that the parties have come to an amicable settlement between themselves.

7. The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

8. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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), 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 Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the First Information Report in Crime No.826 of 2020, on the file of the 1st respondent Police.

9. It is seen from the records that the dispute between the petitioner and the second respondent is civil in nature and it is a private transaction. Based on the above said fact, this Court is inclined to allow this Criminal Original Petition not only against the petitioner/A2, also against all the other accused, who are also similarly placed.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.826 of 2020, on the file of the first respondent police, is quashed against all the accused in the above case on the terms of affidavit which shall form part and parcel of this order.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
J7, Velachery Police Station,
Chennai.

2. The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.V.Karnan, Advocate, SR No. 30893

Crl.O.P.No.11093 of 2021