



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.13184 of 2021

1.Buvaneshwari
2.Chellammal
3.Dhanasekaran @ Chandrasekar
4.Deenadayalan @ Alex
5.Radha
6.Ramu
7.Prabhakaran
8.Senthilkumar
9.Dinesh Kumar
10.Kannambal @ Kannammal

... Petitioners

Vs.

1.State rep. by
The Inspector of Police,
Central Crime Branch Police Station,
Team - II, Chennai.
(Crime No.58 of 2017)

2.Hari

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to pending investigation in Crime No.58 of 2017 on the file of the 1st Respondent and quash the same.

For Petitioners : Mr.R.Sasikumar

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

For R2 : Mr.K.S.Arumugam

O R D E R

The Criminal Original Petition has been filed to call for the records relating to pending investigation in Crime No.58 of 2017 on the file of the 1st 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.The case of the prosecution is that the petitioners created bogus documents for the property situated at Flat No.48, Manikandapuram, Thirumulaivoil, Chennai to an extent of 4140 Sq.ft. and sold the same to the defacto complainant namely Hari (who is running a real estate business namely Lakshmi Builders). The alleged occurrence is said to have taken place on 25.05.2015. The petitioners further submitted that the complaint given by the defacto complainant on 16.08.2017. Based on the complaint the first respondent police registered a case against the petitioners for the alleged offences punishable under Section 419, 420, 465, 467, 471, 34 of IPC in Crime No.58 of 2017.

4.In the mean time, the defacto complainant and the petitioners had entered into an amicable settlement by way of a Joint Memo of Compromise dated 23.07.2021 and decided to file this quash petition to quash the FIR on the file of the first respondent police.

5.To that effect, Joint Memo of Compromise and consent affidavit dated 23.07.2021 have been filed by the second respondent before this Court. The petitioners and the second respondent were present through Video conferencing. In the said memo and 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.58 of 2017. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

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

7.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 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 First Information Report in Crime No.58 of 2017, on the file of the 1st respondent Police.

8.It is seen from the records that the dispute between the petitioners 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



against all the petitioners.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.58 of 2017, on the file of the first respondent police, is quashed against all the petitioners in the above case on the terms of the memo and affidavit, which shall form part and parcel of this order.

Encl.: Compromise memo

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Central Crime Branch Police Station,
Team - II, Chennai.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Sasikumar, Advocate, S.R.No.39255

Cr1.0.P.No.13184 of 2021

VG-II(CO)
SB(27/08/2021)