



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15608 of 2021

1.Jayaraj

2.Purushothaman

3.Jayakumar

... Petitioners/A6, 8, 11

Versus

1.State, represented by the
Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008.

...R1/complainant

2.P.James

.. R2/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.103 of 2007, on the file of the Additional Chief Metropolitan Magistrate, Egmore, in Crime No.791 of 2002 and to quash the same.

For Petitioners: Mr.S.Pugaleanthi

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

For R2 : Mr.J.Srinivasan

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.103 of 2007, on the file of the Additional Chief Metropolitan Magistrate, Court, Egmore.

2.The case of the prosecution is that the wife of the 2nd respondent is having property in survey No.24/1 to the extent of 0.22 cent at Kolathur Village. On easter side, A3 to A5 are having property to the extent of 28 ½ cents. To maintain the property, in the year 1996, A1 was given power of attorney by A3 to A5 vide D.Nos.2067, 2068 & 2148 of 1996. There was no pathway to the property given to A1 as power of attorney.



Hence, A1 in collusion with the other accused conspired and corrected the original power of attorney documents by adding road in the boundary of their property. On receipt of the complaint, the 1st respondent Police registered a case in Crime No.791 of 2002 on 22.10.2002 and after conclusion of investigation, charge sheet came to be filed before the learned Additional Chief Metropolitan Magistrate, Egmore, listing 38 witnesses as LW1 to LW38 and other documents and the same was taken on file as C.C.No.103 of 2007.

3.The learned counsel for the petitioners submitted that during the stage of FIR, the wife of the 2nd respondent filed a suit in O.S.No.4623 of 2001 before the learned XI Assistant Judge, City Civil Court, Chennai against the accused and others, which was decreed in her favour, as against which First Appeals were filed against the wife of the 2nd respondent which was allowed setting aside the decree in the suit in O.S.No.4623 of 2001. Thereafter, the wife of the 2nd respondent filed Second Appeals before this Court in S.A.Nos.1245 to 1248 of 2010. During the pendency of the Second Appeals, the parties have resolved their disputes and arrived at compromise. This Court, recording the same, disposed the Second Appeals in terms of Joint Memorandum of Compromise on 28.07.2021.

4.In order to substantiate the above submissions, the learned counsel for the petitioners produced the Joint Compromise Memo filed in S.A.No.1245 to 1248 of 2010 and the common Judgment passed in it.

5.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.

6.The 2nd respondent has filed a memo before this Court reiterating the compromise arrived with the petitioners and others in Second Appeals in S.A.No.1245 to 1248 of 2010. The petitioner and the 2nd respondent are present through Video conferencing today and this Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7.Under such circumstances, no useful purpose will be served in keeping the proceedings 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 proceedings in C.C.No.103 of 2007, on the file of the Additional Chief Metropolitan Magistrate Court, Egmore.



8.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C. No.103 of 2007, on the file of the ***Special Court for CCB,CBCID, Egmore, Chennai** is quashed against all the accused.

WEB COPY

Sd/-

Assistant Registrar(CO)

Dated:03.02.2022

***corrected as per order of
this Court dated 27.01.2022
and made in CRL.O.P.No.15608 of 2021**

-s/d-

Assistant Registrar(CO)

dt 03.12.2021

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Additional Chief
Metropolitan Magistrate
Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch,

Egmore, Chennai-600 008.

to be substituted the
order already despatched
on **03.12.2021**

3.The Special Court for CCB,CBCID, Egmore, Chennai

4.The Public Prosecutor,
High Court, Madras.

+4 ccs to Mr.S.Pugaleanthi, Advocate Sr.NO. **4602**

CRL.O.P.No.15608 of 2021

EV(CO)

GMV(03/12/2021)