



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23258 of 2021

Seshiah

... Petitioner/Accused

Versus

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

2. P.James

... Respondents

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 Petitioner : Mr.S. Pugaleanthi

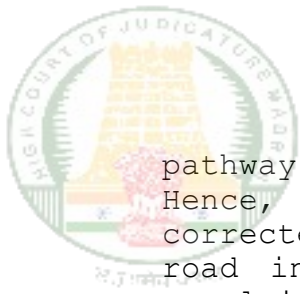
For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

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, Egmore, in Crime No.791 of 2002.

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 petitioner 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 petitioner 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 petitioner 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, CCB, CBCID, Egmore**, Chennai is quashed against the accused.

Mp/mdl

02/12/2021

The above case was listed on 27/01/2022 under the caption "for being mentioned" in pursuance of the order dated 02/12/2021 in the presence of Mr.S.Pugalenthil, Counsel for the Petitioner and Mr.E.Raj Thilak, Additional Public Prosecutor for R1, Mr.J.Srinivasan, for R2, this Court made the following order;

This matter has been posted under the caption 'for being mentioned'. It is brought to the notice of this Court that when the criminal original petition was disposed of by an order dated 02.12.2021, in paragraph 8, it has been mentioned as follows:

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 Additional Chief Metropolitan Magistrate Court, Egmore, Chennai is quashed against the accused.

2. Now it is submitted by the learned counsel for the petitioner that on formation of the Special Court for CCB CBCID, the case in C.C.No.103 of 2007 had been transferred to that Court. Hence, this case has been listed for being mentioned at the instance of the learned counsel for the petitioner.

3. In view of the same, paragraph no.8 of the order in Cr1.O.P.No.23258 of 2021, dated 02.12.2021, shall stand modified as '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 the accused.

WEB COPY

Sd/-

Assistant Registrar (CO)

Dated:08/12/2021

*Corrected as per the order made
in Crl.O.P.No.23258 of 2021 dated 27/01/2022
Sd/-

Assistant Registrar (CO)

Dated:03/02/2022

//True copy//

Sub Assistant Registrar

mp/mdl

To

- | | |
|---|--|
| 1.The Additional Chief Metropolitan
Magistrate Court,
Egmore, Chennai. | To be substituted the order
already despatched on
08/12/2021 |
| 2.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008. | |
| 3.The Public Prosecutor,
High Court, Madras. | |
| 4.The Special Court for CCB,
CBCID, Egmore, Chennai. | |

+4ccs to Mr.S.Pugaleanthi, Advocate SR.No.4601

CRL.O.P.No.23258 of 2021

MG (CO)

GMV (08/12/2021)

srg 03/02/2022