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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.15523 of 2021

K.V.Rathinam

... Petitioner/Sole Accused

.Vs.

1. The Inspector of Police,
District Crime Branch,
(Land Grabbing Cell),
Thiruvallur District.

... 1st Respondent/Complainant

2. Kakollu Prasad
3. Kakarla Ravindra
4. Yamala Ramesh

... Respondents 2 to 4/
Defacto Complainants

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.30 of 2020 on the file of the Judicial Magistrate Court, Tiruttani and quash the same.

For Petitioner : Mr.E.Sathiyaraj

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

For R2 to R4 : Mr.A.Ilaya Perumal

O R D E R

This Criminal Original Petition is filed to call for the records in C.C.No.30 of 2020 on the file of the Judicial Magistrate Court, Tiruttani and quash the same.

2. 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.



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3. The gist of the case is that R2 to R4 had purchased some landed properties under two Sale Deeds dated 08.12.2006 and the same were registered as Document Nos.4364 and 4365 of 2006 at the office of the Sub Registrar, Thiruvelangadu and later they requested their relative Malakonda Rayudu to collect the original sale deed from the Sub-Registrar Office, whereas, he deputed the petitioner herein to collect the documents on 18.12.2006. According to the respondent Nos.2 to 4, the original documents were not returned back to them. Hence, they gave a joint complaint dated 07.04.2016 before the first respondent. Based on the complaint, the first respondent police registered a case against the petitioner herein for the alleged offence under Sections 406, 420, 465 and 468 IPC in Crime No.11 of 2016. On completion of investigation, the first respondent had filed a final report against the petitioner herein, which has been taken on file as C.C.No.30 of 2020 before the Judicial Magistrate, Tiruttani and now the case is at the witness stage.

4. In the mean time, the petitioner has filed a Criminal Original Petition in CrI.O.P.No.3392 of 2021 to quash the C.C.No.30 of 2020 on the file of the learned Judicial Magistrate, Tiruttani and by order dated 22.02.2021, the same was dismissed by this Court. As against the dismissal order dated 22.02.2021 in CrI.O.P.No.3392 of 2021, the petitioner has preferred a Special Leave to Appeal (CrI.) No.3043 of 2021 before the Hon'ble Supreme Court of India and by hearing the submission of his learned counsel the Hon'ble Supreme Court of India was pleased to the following order dated 16.04.2021 and the relevant portion is extracted as under:

"Though we are not inclined to interfere in the matter on merits, Mr.S.Nagamuthu, learned Senior Counsel invited our attention to the last paragraph of the synopsis at page E to persuade us to attempt mediating settlement in the dispute. We, therefore, issue notice limited for the purpose to explore possibility of a settlement, if any, by mediation."

5. In pursuance of the order passed by the Hon'ble Supreme Court of India the defacto complainants and the petitioner herein have negotiated for settlement accordingly and they have arrived to amicable settlement to resolve their dispute between them. Accordingly the petitioner has agreed to return all the original documents pertaining to the defacto complainants property, which are mentioned in the two sale deeds dated 08.12.2006 in Document Nos.4364 & 4365 of 2006. Since the petitioner has come forward to handover the entire Sale Deeds they have entered to compromise on 21.08.2021.



6. To that effect, the Compromise Memo dated 21.08.2021 in C.S.No.495 of 2019 may be taken as part and parcel of this affidavit to ensure about the settlement between themselves. The petitioner and the respondent Nos.2 to 4 were present through Video conferencing. In the said memo it has been stated that the petitioner and the respondent Nos.2 to 4 have entered into a compromise and amicably settled their issues in C.C.No.30 of 2020 on the file of the learned Judicial Magistrate, Tiruttani. This Court 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 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 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 charge sheet in C.C.No.30 of 2020 on the file of the learned Judicial Magistrate, Tiruttani.

9. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.30 of 2020 on the file of the learned Judicial Magistrate, Tiruttani, is quashed on the terms of the Compromise Memo dated 21.08.2021 in C.S.No.495 of 2019, which shall form part and parcel of this order.

* Xerox Copy of Joint Compromise Memo filed by the Plaintiffs and the Defendant is enclosed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Tiruttani.
2. The Inspector of Police,
District Crime Branch,
(Land Grabbing Cell),
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.E.Sathiyaraj, Advocate, S.R.No.46919
+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.46920

CRL.O.P.NO.15523 OF 2021

SJ(CO)
PBS/29/10/2021