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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20986 OF 2021

Velan ...Petitioner/Sole Accused
Versus

1. State through
The Sub Inspector of Police,
Central Crime Branch,
Land Grabbing Special Cell Team-XXIIA,
Chennai.(in Crime No.380/2013) 1st Respondent/Complainant

2. J.Shantha ...2nd Respondent/
Defacto complainant

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records connected with the case in C.C.No.118 of 2021 on the file of the Judicial Magistrate No.I, Poonamallee, in connected with the case in Crime No.380 of 2013 on the file of the Respondent Police and quash the same as illegal in so far as the petitioner is concerned.

For Petitioner : Mr.S.Mohammed Ansar

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.side)

O R D E R

The Criminal Original Petition has been filed to call for the records connected with the case in C.C.No.118 of 2021 on the file of the Judicial Magistrate No.I, Poonamallee, in connected with the case in Crime No.380 of 2013 on the file of the Respondent Police and quash the same as illegal in so far as the petitioner is concerned.

2. The case of the prosecution is that on 29.08.1986, the de-facto complainant purchased a land property land the same was registered before the Sub Registrar, Ambattur in Document No.4460 of 1986 and she also got patta for the said land in Patta No.2901, but she did not maintained the same and not even visit the same for long time, therefore the petitioner trespassed the said property and encroached the same and



constructed the house in the said property, when the defacto complainant questioned about the same, the petitioner abused her in unparliamentary language and hence the case came to be registered.

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3. 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.

4. A Common Affidavit dated 28.10.2021 has been filed before this Court which have been signed by the petitioner and the 2nd respondent and also by their respective counsel. The petitioner and the second respondent were also present before this Court. In the said memo, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in C.C.No.118 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. 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 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 case in C.C.No.118 of 2021, pending on the file of the learned Judicial Magistrate No.1, Poonamallee.

6. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.118 of 2021, pending on the file of the learned Judicial Magistrate No.I, Poonamallee, is quashed and the terms of Common Affidavit shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Judicial Magistrate No.I
Poonamallee.



2. The Sub Inspector of Police,
Central Crime Branch,
Land Grabbing Special Cell Team-XXIIA,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.S.Mohammed Ansar, Advocate, S.R.No.59349

+1cc to M/s.A.Vijayakumar, Advocate, S.R.No.59693

Crl.O.P.No.20986 of 2021

KSM(CO)
RGA(07/12/2021)