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Crl. O.P. No. 9988 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 4/7/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No. 9988 of 2022

1. James

2. Navis

3. Shankar

...

Petitioners

Vs

1. State

rep. By the Inspector of Police
Team XVIII A
Central Crime Branch
Vepery
Chennai 7.

2. G.V.Sudhakar

...

Respondents

PRAYER : Criminal Original Petitions filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings in C.C.No.1 of 2021 pending on the file of the Special Metropolitan Magistrate No.II for Land Grabbing Cases at Chennai 600 003 as against the petitioners/accused A.6 to 8.

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For Petitioner ... Mr.V.Jayaprakash

For Respondents ... Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side)
for R.1

Mr.R.Venkatraman
for R.2.

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ORDER

This Criminal Original Petition has been filed to quash the proceedings, pending in C.C.No.1 of 2021 on the file of the Special Metropolitan Magistrate No.II, for Land Grabbing Cases, Chennai 3, for the offences punishable under Sections 420, 465, 467, 468, 471, 506 (i) r/w. 120 B of the Indian Penal Code.

2. The crux of the allegation in the final report is that A.1 and A.5 had created a settlement deed, despite the fact that the property was sold by his father long back. Thereafter, they appointed A.6 and 7 as Power Agent and A.8 stood as a witness in the document.



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3. Heard Mr.V.Jayaprakash, learned counsel for the petitioner, Mr.Leonard Arul Joseph Selvam, learned Government Advocate for the first respondent and Mr.R.Venkatraman, learned counsel for the second respondent.

4. Today, when the matter is taken up for hearing, the learned counsel appearing on behalf of the petitioners and defacto complainant submitted that they have entered into a Memorandum of Compromise, and a copy of the same was produced before this Court.

5. The only charge against the petitioners is that they obtained Power of Attorney. When that being the position, this Court is of the view that they cannot be prosecuted, unless there is a strong evidence of cheating or creation of false documents, unearthed against them. The prosecution has not unearthed any such materials. Considering the fact that the defacto complainant does not want to proceed against A.6 to 8, this Court is inclined to quash the proceedings pending in C.C.No.1 of 2021.



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6. Accordingly, this Criminal Original Petition is allowed and final report filed against the petitioners/A.6 to A.8 alone is quashed. The trial Court shall proceed against the remaining accused, as per law. However, since the evidence has come on record before the trial Court, the trial Court take note of the observation and proceed as per law.

4/7/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.

To

1. The Inspector of Police
Team XVIII A
Central Crime Branch
Vepery
Chennai 7.
2. The Public Prosecutor
High Court
Madras.

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