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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.8739 of 2022

T.T.Chandrasekar

...Petitioner

-Vs-

1. The State rep by its,  
The Inspector of Police,  
Central Crime Branch, Team XVII,  
Egmore, Chennai - 600 008.

2. N.Bernat Sha

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to the FIR in Cr.No.198 of 2018 against the petitioner on the file of the first respondent police, quash the same.

For Petitioner : Mr.M.Baskaran

For Respondents: Mr.A.Gokulakrishnan  
Additional Public Prosecutor for R1.

Mr.Srinivasan for R2

O R D E R

This Criminal Original Petition has been filed by the petitioner/Accused No.15 to call for the records pertaining to the FIR in Cr.No.198 of 2018 against the petitioner on the file of the first respondent police, quash the same on the ground of compromise.

2.The case is under investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A15 in this case in



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Cr.No.198 of 2018 registered by the 1st respondent police for the offences under Section 419, 465, 467, 468 r/w 120(b) of IPC. The case of the defacto complainant is that the property measuring to an extent of 2261 Sq.ft in Plot No.70, New No.79, S.R.B.Nagar, in T.S.No.209, Ward "E", Block No.23 of Korattur Village, Ambattur Taluk, Thiruvallur District belongs to his father Navaraj and the accused have entered into a conspiracy and impersonated his father and sold the property to the petitioner. He would submit that the petitioner is an innocent purchaser having believed the words of other accused had purchased the property. He would submit that the petitioner purchased the property after obtaining loan from the Indian Bank had purchased the property for a total sale consideration of Rs.1,09,00,000/-. He would further submit that the bank had also sanctioned loan after obtaining legal opinion from the panel counsel of the Bank and the petitioner also believed the same and purchased the property. Subsequently, coming to know that the father of the defacto complainant had been impersonated and the property has been sold to the petitioner, the defacto complainant had lodged the complaint against the petitioner and other accused. The other accused also agreed to return back the money received from the petitioner, however, they have evaded the payment. Subsequently, the petitioner approached this Court for Anticipatory Bail and this Court had directed the petitioner to deposit the entire amount to the Bank and clear the encumbrance and pursuant to the directions of this Court the petitioner had repaid the entire amount to the banker and obtained no due certificate and the cancellation of deposit of title deed is also registered on 15.02.2022. He would submit that the petitioner and the defacto complainant had compromised the matter, the defacto complainant also coming to know the petitioner is an innocent purchaser agreed for quashing the proceeding in respect of petitioner alone based on compromise.

4.The learned Additional Public Prosecutor would submit that the land belongs to one Navaraj the father of the defacto complainant. The said Navaraj passed away on 25.12.2017. A2 had impersonated himself as Navaraj and sold the property to the present petitioner. He would further submit that the investigation also reveals that the petitioner is an innocent purchaser.

5.The petitioner and defacto complainant are present before this Court. The counsel for the 2nd respondent/defacto complainant would submit that during the course of investigation he came to understand that the petitioner is an innocent purchaser and he does not want to proceed as against the petitioner.

6.Mr.Srinivasan, learned counsel appearing for the 2nd



respondent/defacto complainant would submit that the petitioner's father was impersonated and his property was sold to the petitioner. During the course of investigation it came to light that the petitioner is an innocent purchaser having availed loan from the Bank and purchased the property and the 2nd respondent/defacto complainant does not want to proceed as against the petitioner who is an innocent purchaser. He would further submit that the consent affidavit of the 2nd respondent/defacto complainant has been filed for quashing the proceeding in Cr.No.198 of 2018.

7.The second respondent/defacto complainant has filed a consent affidavit before this Court. The petitioner and the 2nd respondent/defacto complainant are present before this Court and they were identified by their respective counsel. This Court also enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves. An consent affidavit of the 2nd respondent/defacto complainant dated 01.04.2022 is extracted hereunder:-

"1.I am the defacto complainant herein in Crime No.198/18 as such I am well acquainted with facts of the case.

2.I submit that the petitioner paid entire loan amount of Rs.1,09,00,000/- to the bank and I don't want to continue with the prosecution against the petitioner and I want to withdraw the prosecution against the petitioner.

3.I submit that I am giving my consent to this quash application without any conditions since the petitioner paid entire loan amount of Rs.1,09,00,000/- to the bank and the petitioner consented with me. He agrees that not to disturb my peaceful possession and enjoyment of the property.

8.Under such circumstances, no useful purpose will be served in keeping the proceedings in Crime No.198 of 2018 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quash the proceedings in Crime No.198 of 2018.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime.No.198 of 2021 on the file of the 1st respondent police is quashed in so far as



the petitioner is concerned and the consent affidavit of the second respondent/defacto complainant shall form part and parcel of this order. The first respondent police shall take steps as against the other accused and file the final report.

\*Xerox copy of the Consent  
Affidavit of Defacto  
Complainant dated 11.04.2022  
enclosed herewith.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Inspector of Police,  
Central Crime Branch, Team XVII,  
Egmore, Chennai - 600 008.
2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.M.Baskaran, Advocate, S.R.No.27420

Cr1.O.P.No.8739 of 2022

PA(CO)  
RGA(06/05/2022)