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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12084 of 2021

1.K.M.Vidyasagar,
S/o.Madhivadhanan
2.Mr.R.Balaji,
S/o.Rajapathar

... Petitioners

Vs

1.State Represented by
The Inspector of Police,
Kundrathur Police Station,
Chennai.
(Crime No.897 of 2012)
2.Puspa Vaneswaran,
S/o.Natarajan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to Crime No.897 of 2012 on the file of the first respondent and quash the same.

For Petitioners : Mr.C.S.Saravanan

For Respondents :

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.S.K.Kolandasamy

ORDER

This Criminal Original Petition has been filed, to call for the records relating to Crime No.897 of 2012 on the file of the first respondent and quash the same.

2. The case of the prosecution as per the second respondent/defacto complainant (Puspa vaneswaran) is that he had purchased a land from one Kandhaswamy during the year 1999 and he had obtained all revenue records in his favour. While so,



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when he has gone to his land he had seen that the accused persons trespassing his land and have caused damage to the fencing put up by him and when he had questioned them, the accused persons have threatened the second respondent/defacto complainant with dire consequences.

3. Based on the complaint given by the second respondent/defacto complainant, a case in Crime No.897 of 2012 was registered by the first respondent for the offences punishable under Sections 417, 420, 467, 468, 471 read with Sections 34 and 427 of I.P.C.

4. The learned counsel for the petitioners would submit that the petitioners are the real estate promoters. They have purchased a property from one Kandhaswamy in the year 2008. The said Kandhaswamy suppressing the fact that he had earlier sold the property to the second respondent/defacto complainant during the year 1999 had cheated the petitioners.

5. The learned counsel for the petitioner would further submit that subsequently the petitioners have compromised with the second respondent/defacto complainant who had purchased the property in the year 1999 itself and they have also paid the entire sale consideration which the second respondent/defacto complainant has paid to the first accused A-1, pursuant to which, the second respondent/defacto complainant has also compromised and he does not want to proceed with the FIR. He would further submit that the dispute between the parties is private in nature and no public interest is involved.

6. Mr.S.K.Kolandasamy, the learned counsel appearing for the second respondent/defacto complainant would submit that the matter has been compromised between the parties. He would further submit that during the year 1999 the first accused A-1 had sold the property to the second respondent/defacto complainant and suppressing the same A-1 had once again sold the property to the second and third accused A-2 and A-3 who are the petitioners herein. He would further submit that A-2 and A-3 are the subsequent purchasers have made good the loss suffered by the second respondent/defacto complainant and the second respondent/defacto complainant has also compromised the matter and they have also entered in to a Memo of Compromise.

7. The learned Additional Public Prosecutor would submit that the second respondent/defacto complainant has given a complaint stating that the A-1 had earlier sold the property to



him and thereafter, once again A-1 had sold the property to A-2 and A-3. He would further submit that the investigation is still pending.

8. 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.

9. A Compromise Memo has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent were also present in person before this Court and they were identified by the first respondent and Mr.C.S.Saravanan, counsel for the petitioners. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves without any third party influence or compulsion.

10. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 of Cr.P.C., quashes the First Information Report in Crime No.897 of 2012.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.897 of 2012, on the file of the first respondent police is quashed and the terms of Compromise Memo shall form part and parcel of this order.

(*)The Xerox Copy of the
Memo of Compromise enclosed

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



rgm/arb

To

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- 1.The Inspector of Police,
Kundrathur Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.12084 of 2021

skm[col]
srg 25/04/2022