



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.21825 of 2021

1. N.Arun Prakash
2.Jayanirmala

... Petitioners

Versus

1. State rep. by
The Inspector of Police,
Anti-land Grabbing Special Cell,
District Crime Branch,
Coimbatore.
(Cr.No.39 of 2014)

2. B.Santharam

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the impugned FIR in Cr.No.39 of 2014 on the file of the 1st Respondent Police and quash the same.

For Petitioners: Mr.K.Goviganesan

For Respondents: Mr.E.Raj Thilak
Additional Public Prosecutor for R1

O R D E R

This petition has been filed to call for the records relating to the impugned FIR in Cr.No.39 of 2014 on the file of the 1st Respondent Police and quash the same.

2. The case of the prosecution is that the petitioners along with other accused had fabricated a Will dated 23.03.1997 as if it was executed by late Ramasamy Naidu and fabricated the Legal Heirship Certificate and Death Certificate of late Ramasamy Naidu and the Release Deed was executed and registered in favour of the first petitioner and based on the said documents, Layout was prepared without any right or title.



Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.39 of 2014 for the offence under Sections 120(B), 468, 471 and 420 of I.P.C.

3. The learned counsel for the petitioner submitted that the first and second petitioners herein are son and mother respectively and the matter has been amicably settled between them and further the 3 and 4th accused in this case passed away on 25.01.2018 and 29.04.2017 respectively and therefore no useful purpose would be served in keeping this case pending. Hence, the petitioner has filed this petition to quash the charge sheet in Cr.No.39 of 2014.

4. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. The learned Additional Public Prosecutor appearing for the first respondent submitted that pursuant to the order passed by this Court on 19.01.2022, the petitioners and the de-facto complainant appeared before the respondent police station along with Affidavit of the second respondent, death certificates of A3 and A4 and other relevant documents. He further submitted that the respondent police also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues. It is further stated that since the charge sheet has already been taken on file in C.C.No.2575 of 2019 on the file of the learned Judicial Magistrate No.II, Coimbatore, the complainant has no objection in quashing the said Calender Case in C.C.No.2575 of 2019.

7. 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 Cr1 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.2575 of 2019, pending on the file of the learned Judicial Magistrate No.II, Coimbatore.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.2575 of 2021, pending on the file of the learned Judicial Magistrate No.II, Coimbatore is



quashed and the terms of affidavit shall form part and parcel of this order.

xerox copy Affidavit of B.Santharam is enclosed.

WEB COPY

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arr/rap

To

1. The Inspector of Police,
Anti-land Grabbing Special Cell,
District Crime Branch,
Coimbatore.
2. The Judicial Magistrate No.II,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Goviganesan, Advocate, S.R.No.6205

Cr1.O.P.No.21825 of 2021

KG(CO)
CT 08/03/2022