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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.25403 of 2021

1.Lakshmi Thayarammal
2.Ravi Chandran
3.Jayakumar
4.Sasi
5.Damodaran

... Petitioners/Accused

Versus

1.The State rep. By
The Sub Inspector of Police
Land Grabbing Prevention Special Cell,
Kancheepuram.

2.V.Ramesh

3.D.Suresh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C. No.100 of 2021 on the file of the Judicial Magistrate No.1, Kancheepuram and quash the charge sheet as against the petitioners.

For Petitioners: Mr.K.M.Balaji

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor
for R1
Mr.K.Lavan for R2 & R3

O R D E R

The Criminal Original Petition has been filed to call for the records relating to C.C. No.100 of 2021 on the file of the Judicial Magistrate No.1, Kancheepuram and quash the same.



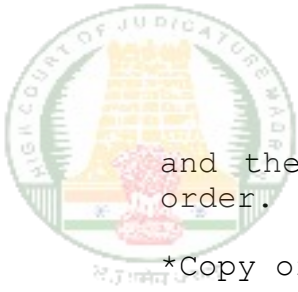
2. The case of the prosecution is that 2nd and 3rd respondents are the owners of the land situated at Oragadam Village, Sriperumpudur Taluk, Kanchipuram District in S.No.199/4, Old No.102 measuring about 0.35 cents (about 15246 sq.ft). The 1st petitioner claiming right over the property on the basis of some false and fabricated documents. The 1st petitioner colluded with some officials of the Government Departments and fabricated the Settlement Deed in favour of petitioners 4,5 & 6. Further, the aforesaid document cannot be registered by any other Government Department, since the Police of the Kancheepuram (Crime) already noted the fraudulent activities while cancelling the power of attorney. Hence, a complaint has been filed against the petitioners by the 2nd respondent in Cr. No.55 of 2013 for the offence under Sections 120b, 423, 465, 467, 468, 471 & 420 r/w. 109 IPC, which is taken on file before the District Munsif cum Judicial Magistrate, Sriperumpudur as C.C. No.342 of 2016 subsequently transferred to Judicial Magistrate No.1, Kancheepuram and renumbered as C.C. No.100 of 2021.

3. The case is still pending. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

4. The Affidavits dated 22.11.2021 have been filed by the 2nd & 3rd respondents before this Court. The 2nd & 3rd respondents and petitioners present through Video conferencing. In the affidavit, it has been stated that the petitioners and the 2nd and 3rd respondents are relatives, moreover, Al Mrs.Lakshmi Thayarammal cancelled the disputed settlement deed dated 11.03.2013. Hence, to maintain cordial relationship between both the families, petitioners and the 2nd & 3rd respondents have entered into a compromise and amicably settled their issues in C.C. No.100 of 2021 on the file of the Judicial Magistrate No.1, Kancheepuram. 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 First Information Report pending. Even though, the offence involved is 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., inclined to quash C.C. No.100 of 2021 on the file of the Judicial Magistrate No.1, Kancheepuram.

6. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C. No.100 of 2021 on the file of the Judicial Magistrate No.1, Kancheepuram, is quashed



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

*Copy of the Affidavits dated 22/11/2021 enclosed

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

rkp

To

- 1.The Judicial Magistrate No.1,
Kancheepuram.
2. The Chief Judicial Magistrate,
Kancheepuram.
- 3.The Sub Inspector of Police
Land Grabbing Prevention Special Cell,
Kancheepuram.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.M.Balaji, Advocate SR.No.3545

+1cc to Mr.K.Lavan, Advocate SR.No.4094

CRL.O.P.No.25403 of 2021

GPL(CO)
GMY(21/02/2022)