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Crl.OP.No.28182 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P. No.28182 of 2022 &
Crl.M.P.No.17344 of 2022

1. Jagannathan
2. Vijayalakshmi

.. Petitioners

Vs.

1. State rep.by
the Inspector of Police,
CCB-I, Chennai-CCB
2.Radhakrishnan K.V.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.117 of 2022 on the file of learned Metropolitan Magistrate Court for Trial or Land Grabbing Cases-II, Egmore @ Allikulam and to quash the same.

For Petitioners : Mr. S. Suresh

For Respondents : Mr.S.Santhosh
Govt.Advocate (Crl.side) for R1
Mr. R. Paramasivam - R2

ORDER

The Criminal Original Petition has been filed to call for the records in C.C.No.117 of 2022 on the file of learned Metropolitan Magistrate Court for



Trial or Land Grabbing Cases-II, Egmore @ Allikulam and to quash the same.

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

3. A Joint Compromise Memo dated 11.11.2022 stating that the issues between the petitioners/accused and the 2nd respondent/defacto complainant have been settled and compromised, has been filed to quash the criminal proceedings initiated against the petitioners in C.C.No.117 of 2022 on the file of learned Metropolitan Magistrate Court for Trial or Land Grabbing Cases-II, Egmore @ Allikulam, Chennai and the same has been signed by the petitioners, 2nd respondent and their respective counsel. The petitioners/A2 & A3 and the second respondent/defacto complainant were also present in person before this Court and they were identified by M/s.B. Dhanalakshmi, Inspector, CCB, Land Grabbing-I, Chennai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



4. In the instant case, the defacto complainant and the accused have settled their disputes out of court and compromised the matter. The allegation is that the accused got power from the complainant's father and executed a sale deed in favour of defacto complainant's mother and thereafter subsequently, executed a sale deed for the same property in favour of 2nd accused, who in turn, executed a settlement deed in favour of 3rd accused. It is seen that the dispute between the parties is of personal in nature and the parties have now compromised with each other. In view of the same, the defacto complainant do not want to continue the criminal proceedings initiated against the petitioners. In the circumstances, the compromise entered into between the parties is considered and recorded.

5. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in (2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** reported in (2017)9 SCC 641 was taken into consideration.

6. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the investigation pending in S.C.No.197 of 2022 on the file of II Additional



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District and Sessions Court, Vellore @ Tirupattur, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the C.C.No.117 of 2022 on the file of learned Metropolitan Magistrate Court for Trial or Land Grabbing Cases-II, Egmore @ Allikulam, Chennai is quashed and the terms of Joint Compromise Memo dated 11.11.2022 shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

17.11.2022

msr

Index:Yes/no

Internet:Yes/No

To

1. The Inspector of Police,
CCB-I, Chennai-CCB
2. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

msr

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