



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.[MD].No.185 of 2020

and

CRL.M.P.[MD]Nos.59 and 60 of 2020

1.Kalavathi

2.Bharath

... Petitioners / Accused Nos.2 & 3
Vs.

1.The State Rep through
The Inspector of Police,
District Crime Branch (DCB),
Thoothukudi District.
(in Crime No.41 of 2017)

...1st Respondent / Complainant

2.Viji

... 2nd Respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to C.C.No.195 of 2019 on the file of the learned Judicial Magistrate No.III, Thoothukudi and quash the same.

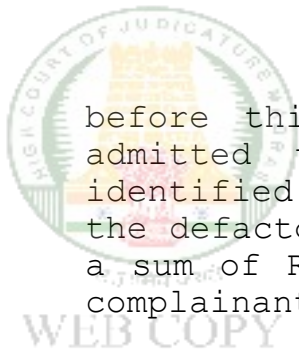
For Petitioners	: Mr.D.S.Haroon Rasheed
For R1	: Mr.A.Thiruvadikumar, Additional Public Prosecutor
For R2	: Mr.M.Sankar

ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.195 of 2019 filed for the offences punishable under Sections 406 and 420 IPC on the file of the learned Judicial Magistrate No.III, Thoothukudi.

2.The crux of the allegation in the final report is that the defacto complainant agreed to purchase the property of the petitioners herein and paid advance amount of Rs.12,70,000/- (Rupees Twelve Lakhs and Seventy Thousand Only). After receipt of the amount, the petitioners herein sold the property to third party. Therefore, the final report has been filed for the offences punishable under Sections 406 and 420 IPC.

3.Today (04.03.2022), when the matter is taken up for hearing, the defacto complainant and the petitioners are present



before this Court, filed a joint compromise memo and they also admitted their signature in the compromise memo. They were identified by the respective counsel. Though the amount payable to the defacto complainant is Rs.12,70,000/-, the petitioners have paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the defacto complainant.

4.As Sections 406 and 420 of IPC are compoundable with the permission of the Court, there is no point in continuing the prosecution. The joint compromise memo filed by the parties is taken on record and the final report in C.C.No.195 of 2019 on the file of the learned Judicial Magistrate No.III, Thoothukudi, is quashed as against the petitioners herein.

5.Accordingly, this Criminal Original Petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Enclosed herewith Copy of the Joint Compromise Memo

To

- 1.The Judicial Magistrate No.III,
Thoothukudi.
- 2.The Inspector of Police,
District Crime Branch (DCB),
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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_RD(17.03.2022) 2P 4C