



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.3602 of 2022

WEB COPY

- 1.Sundaresan
- 2.Nagamani
- 3.Selvi
- 4.Kamalabai
- 5.Murugathal
- 6.Ganaprakash
- 7.Vasantha
- 8.Santhanakrishnan
- 9.Siva
- 10.Rajendran
- 11.Gopi

... Petitioners/
Accused Nos.3 to 11, 13 & 15

Vs.

- 1.The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.
(Crime No.53 of 2011

... 1st Respondent/Complainant

- 2.Govindaraj

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records pertaining to the case in C.C.No.13 of 2021 on the file of the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing of Land Grabbing Cases, Madurai and quash the same as illegal as against the petitioners/Accused Nos.3 to 11, 13 and 15.

For Petitioners : Mr.D.Balmurugapandi

For R - 1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R - 2 : Mr.T.Venkatesan



ORDER

The Criminal Original Petition has been filed to quash the proceedings as against the petitioners in C.C.No.13 of 2021 on the file of the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing of Land Grabbing Cases, Madurai.

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

3.A Joint Memo of Compromise has been filed before this Court which has been signed by the petitioners, except petitioners 4 and 11, who are stated to be hospitalised and they are not in a position to appear before this Court and sign in the compromise and the second respondent and also by their respective counsel.

4. Under such circumstances, no useful purpose will be served in keeping the proceedings in C.C.No.13 of 2021 on the file of the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing of Land Grabbing Cases, Madurai, 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 Cr.P.C. quashes the C.C.No.13 of 2021.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.13 of 2021 on the file of the learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing of Land Grabbing Cases, Madurai in Crime No.53 of 2011, dated 26.08.2011 is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioners shall pay a sum of **Rs.5,000/-** (Rupees Five Thousand only) as costs, to the District Siddha Medical Officer, CCRI, Periyakulam in State Bank of India, Periyakulam Branch bearing Account No.10767823177, IFSC No.SBIN000898, MICR Code No.625002601, on or before 04.03.2022 and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar(AE)

// True Copy //

28/02/2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Joint compromise memo.

<https://hcservices.ecourts.gov.in/hcservices/>



ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Special Judicial Magistrate,
Special Court for Exclusive Trial of
Land Grabbing of Land Grabbing Cases,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul,
Dindigul District.
3. The District Siddha Medical Officer, CCRI, Periyakulam.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-8864[F] dated 25/02/2022)

Order made in
Crl.O.P (MD) No.3602 of 2022
25.02.2022

svn(CO)
TR(28.02.2022) 3P 6C