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Crl.OP.No.1372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1372 of 2023

and

Crl.M.P.No.761 of 2023

S.M.Sindha Madhar

... Petitioner

Vs.

1. The State Represented by,
Inspector of Police,
EDF -II, Team -III,
Central Crime Branch (CCB),
Vepery, Chennai.

2. M.Meignana Murhty

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.7404 of 2022 on the file of the learned Judge at CCB-CBCID Special Court at Egmore, Chennai and quash the same.

For Petitioner : Mr.M.Mohamed Muzammil

For R1 : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.7404 of 2022 on the file of the learned Judge at CCB-CBCID Special Court at Egmore, Chennai and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner is an accused in Crime No.307 of 2020 registered by the respondent police for the offence under Sections 406, 420 and 34 of IPC. The 2nd respondent/ defacto complainant had given the complaint alleging that his mother/A1, brother/A2 and sisters /A(3 -5) suppressing that the 2nd respondent has right in property situated at Old No.15, New No.8, Munusamy Lane, Pudupet, Chennai-600 002 measuring about 840 sq.ft, suppressing that he is also a legal heir of the said property, the accused obtained legal heir certificate without showing that the 2nd respondent/defacto complainant as also one of the legal heirs, and sold the property to the 6th accused. Subsequently, petitioner/6th accused and the 2nd respondent had entered into Joint Compromise and as a result of settlement, they resolved the dispute. As per the Joint Compromise Memo, petitioner had paid a sum of Rs.10 lakhs to the 2nd respondent/defacto



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complainant as consideration. The 2nd respondent/defacto complainant had also executed ratification deed in Doc.No.3139 of 2017. A suit was also filed before the learned XVII Assistant City Civil Court n O.S.No.2837 of 2018 and the same was disposed in terms of Joint Compromise Memo.

3. Today (24.01.2023), both the petitioner and the defacto complainant are present before this Court and reiterated the settlement registered by them. The defacto complainant is not interested in prosecuting the case against the petitioner and he has no objection for quashing the proceedings as against the petitioner.

4. Considered the facts and circumstances of the cases. It appears that the petitioner is the bona-fide purchaser and that he had paid a sum of Rs.10 lakhs to the 2nd respondent/defacto complainant as a part of sale consideration. This Court is finds that no useful purpose will be served in keeping the proceedings against the petitioner pending in C.C.No.7404 of 2022 on the file of the learned Judicial Magistrate at CCB CBCID Special Court at Egmore, Chennai.



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5.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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings pending in C.C.No.7404 of 2022 on the file of the learned Judicial Magistrate at CCB CBCID Special Court at Egmore, Chennai against the petitioner.

6.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in C.C.No.7404 of 2022 on the file of the learned Judicial Magistrate at CCB CBCID Special Court at Egmore, Chennai against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

24.01.2023

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1. Inspector of Police,
EDF -II, Team -III,
Central Crime Branch (CCB),
Vepery, Chennai.
2. Judicial Magistrate at CCB CBCID Special Court at Egmore,
Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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