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Crl.O.P.No.27901 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.27901 of 2022

M.Muneeswaran

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Petitioner

Vs.

1.State rep by

Inspector of Police,
Central Crime Branch Team XVIII,
Office of the Commissioner of Police,
Greater Chennai Police, Vepery,
Chennai – 600 007.

2.G.Manikandan

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.9 of 2021 in Crime No.163 of 2015, pending on the file of the learned Special Metropolitan Magistrate, Land Grabbing Court – II, Allikulam, Egmore, Chennai and quash the same against the petitioner/accused No.2.

For Petitioner : Mr. N.Raja Senthoo Pandian

For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

For Respondent : Mr.R.Veeramani
No.2



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ORDER

This Criminal Original Petition is filed to call for the records in C.C.No.9 of 2021 in Crime No.163 of 2015, pending on the file of the Special Metropolitan Magistrate, Land Grabbing Court – II, Allikulam, Egmore, Chennai and quash the same against the petitioner/accused No.2.

2.The learned counsel for the petitioner submitted that the petitioner is the second accused in C.C.No.9 of 2021. This case was registered in C.C.B.X Crime No.163 of 2015 for the offences under Sections 419, 420, 465, 467, 468, 471, 448, 474 r/w 120 (B) r/w 109 IPC. The petitioner purchased a property in Plot No.64, Thiru-vi-ka Public Servant's Welfare House Site Society, measuring 2100 square feet, comprised in S.No.693/2, situated at Pallikaranai Village, Tambaram Taluk, Kancheepuram District through a registered sale deed on 21.08.2006, without knowing the fact that this property was already purchased by Mrs.Anbuchelvi Appulingam represented by her General Power of Attorney Mr.Maikandan, second respondent herein, vide sale deed dated 06.07.2006. Therefore, a criminal case was given against the petitioner and the impersonator. The second respondent had also filed a civil suit in O.S.No.207 of 2018, before the Principal District Munsif Court,



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Alandur, seeking declaration to declare the sale deed in document No.6090 of 2006 in favour of the petitioner as null and void and for consequential relief.

3.He further submitted that the petitioner and the second respondent had entered into a memorandum of understanding, in which, the second respondent paid a sum of Rs.2,00,000/- to the petitioner for construction of compound wall. Recording the memorandum of understanding, the Trial Court decreed the suit on 16.11.2022. There was an agreement to quash C.C.No.9 of 2021 against the petitioner. Accordingly, petitioner and the second respondent had entered into a joint memo of compromise.

4.The petitioner is presently at Abu Dhabi, UAE. He executed the joint memo of compromise in the presence of Attache, Embassy of India, Abu Dhabi, UAE on 28.12.2022. Thereafter, the second respondent signed this joint memo of compromise on 04.01.2023. The petitioner had also given power to his wife Mrs. M.Manimegalai to appear on his behalf and to conduct the proceedings.



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5. Accordingly, today the petitioner's wife Mrs.M.Manimegalai and the second respondent are present before this Court. The joint memo of compromise is also filed. As per the joint memo of compromise, in view of the settlement reached between the parties, the second respondent has given his consent for quashing the proceedings and he has no objection to quash the proceedings in C.C.No.9 of 2021 in Crime No.163 of 2015, pending on the file of the Special Metropolitan Magistrate, Land Grabbing Court – II, Allikulam, Egmore, Chennai against the petitioner herein who is the second accused in C.C.No.9 of 2021.

6. The second respondent is enquired by this Court and he reiterated the settlement reached with the petitioner herein and that he has no objection for quashing the proceedings against the petitioner herein, who is the second accused in C.C.No.9 of 2021.

7. In view of the same, this Criminal Original Petition is allowed and the proceedings in C.C.No.9 of 2021 in Crime No.163 of 2015, pending on the file of the Special Metropolitan Magistrate, Land Grabbing Court – II,



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Allikulam, Egmore, Chennai is quashed only as against the petitioner herein,

who is the second accused in C.C.No.9 of 2021. The joint memo of compromise shall form part of this order.

04.01.2023

sli

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1.The Special Metropolitan Magistrate,
Land Grabbing Court – II,
Allikulam, Egmore, Chennai.

2.The Inspector of Police,
Central Crime Branch Team XVIII,
Office of the Commissioner of Police,
Greater Chennai Police, Vepery,
Chennai – 600 007.

3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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