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Crl.RC.No.1651 of 2023
and Crl.O.P.No.19688 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.RC.No.1651 of 2023
and Crl.MP.No.1554 of 2023 and 15556 of 2023
and Crl.O.P.No.19688 of 2023

Crl.RC.No.1651 of 2023

1. K.P.Ramasamy
2. K.P.Deivasigamani
3. K.P.Natraj
4. C.R.Anandakrishnan

... Petitioners

Vs.

1. The State rep. by
Inspector of Police,
CBCID, Coimbatore,
Coimbatore District.
2. R.Dharmalilngam

... Respondents

Prayer: Criminal Revision Petition filed under Section 397 read with 401 Cr.P.C. against the order dated 01.09.2023 in Crl.MP.No.337 of 2019 in CC.No.21480 of 2019 on the file of the learned Chief Judicial Magistrate, Coimbatore.

For Petitioner : Mr.V.Karthic, Senior Counsel
for M/s.Adithya Varadarajan

For Respondents
for R1 : Mr.S.Udaya Kumar, Govt. Advocate
for R2 : Mr.N.Manokaran



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Crl.O.P.No.19688 of 2023

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N.J.Subramanian

... Petitioner

Vs.

1.State: Represented by
The Inspector of Police,
CBCID, Coimbatore.
(Crime No.02 of 2016)

2. Ganeshamoorthy

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to quash the proceedings in C.C.No.21480 of 2019 on the file of the learned Chief Judicial Magistrate, Coimbatore for the offence under Sections 420, 468, 471, 467, 204 and 511 of IPC.

For Petitioner : Mr.A.Thiyagarajan

For Respondents

for R1 : Mr.L.Baskaran

for R2 : Mr.N.Manokaran

COMMON ORDER

Crl.O.P.19688 of 2023 is filed by one N.J.Subramanian/the first accused to quash CC.No.21480 of 2019 on the file of the Chief Judicial Magistrate, Coimbatore, whereas Crl.RC.No.1651 of 2023 is filed by the



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respondents 2 to 5 in Crl.M.P.No.337 of 2019 being aggrieved by the order of the Chief Judicial Magistrate for taking cognizance of the protest petition filed by one Dharmalingam.

2. The sum and substance of the subject matter of the Criminal complaint is that, CC.No.21480 of 2019 pertains to a dispute between family members in respect of a property left behind by their ancestors. The parties have tried their luck to have the hold over the property in the way they wanted and therefore, starting from filing of OS.No.245 of 2016, which traversed in various Forum up to the Supreme Court, and thereafter, the dispute was converted into a criminal case by taking cognizance of the offences under Sections 120-B, 467, 468, 471, 420 r/w 511 of IPC.

3. One Dharmalingam, having aggrieved by the non-inclusion of petitioners 1 to 4 in Crl. R.C.No.1651 of 2023 has filed the said protest petition, which was allowed by the Chief Judicial Magistrate on 01.09.2023. Being aggrieved, the newly added accused in CC.No.21480 of 2019 had preferred Crl.RC.No.1651 of 2023.



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4. When both the matters were taken up for consideration, N.J.Subramainan/first accused, who filed the petition to quash C.C.No.21480 of 2019 and the respondents 2 to 5 in Crl.MP.No.337 of 2019, who filed the petition challenging the Judicial Magistrate Order, allowing the protest petition for including them as accused and also one Ganesamoorthy, who is the de-facto complainant, arrived at a settlement and entered into a compromise leading to filing of a joint memorandum of compromise dated 03.11.2023 and it was duly signed before the Notary Public and a copy of the same is also filed before this Court. The parties appeared through video conference and they are identified by the respective counsels Mr.A.Thiyagarajan for petitioners, Mr.L.Baskaran, for the first respondent and Mr.N.Manokaran, for the second respondent.

5. As per the terms of the joint memorandum of compromise, dated 03.11.2023, the de-facto complainant/Ganesamoorthy in CC.No.21480 of 2019 and the protest petitioner/R.Dharmalingam in Crl.MP.No.337 of 2019, agreed to withdraw the complaint against N.J. Subramainam, K.P.Ramasamy, K.P.Deivasigamani, K.P.Nataraj and C.R.Anandakrishnan. As a consequence, Crl.O.P. filed to quash the C.C. No.21480 of 2019



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against the order passed by the Chief Judicial Magistrate in Crl.MP.No.337 of 2019 allowing the protest petition to include the petitioners in the said Crl.R.C. as accused 2 to 5, stands allowed. Resulting in CC.No.21480 of 2019 on the file of Chief Judicial Magistrate, Coimbatore stands quashed.

6. In turn, the suit in OS.No.72 of 2013 filed on the file of the learned I Additional Sub Judge, Coimbatore initiated by Nandhini and Sampath being the children of Dharmalingam, who is the petitioner in the protest petition, have agreed to withdraw the suit in OS.No.72 of 2013 on the file of the learned I Additional Sub Judge, Coimbatore. The said Nandhini and Sampath are also signatory to the joint memorandum of compromise as parties 9 and 10.

7. As a consequence, the sale effected in favour of the impleaded accused 2 to 5 stands confirmed. Since the parties have buried their difference and arrived at a amicable settlement, which is reflected through their compromise memo, CC.No.21480 of 2019 is quashed in entirety. Accordingly, Crl.R.C.1651 of 2023 is allowed. The joint memorandum of compromise shall form part of this order.



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8. Accordingly, both the Crl.R.C and Crl.OP. are allowed.

Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Neutral Citation : Yes/No

pvs

To

1. The Chief Judicial Magistrate, Coimbatore
2. The Inspector of Police,
CBCID, Coimbatore,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

pvs

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