



CrI.O.P.(MD)No.454 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.454 of 2023

1.Usha Nanthini

2.Ramkumar

3.Syed Munap @ Syad Munaf

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
CCB Police Station,
In Cr.No.21 of 2022
Madurai City.

2.Babu Rajkumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.21/2022 dated 28.06.2022 on the file of the first respondent and quash the same as against the petitioners are concerned.

For Petitioners : Mr.C.Susi Kumar

For R1 : Mr.M.Muthumanikkam
Government Advocate (CrI. Side)



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For R2

: Mr.P.Praveen Kumar.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.21 of 2022 on the file of the first respondent police and quash the same.

2.The case of the prosecution is that there was a property dispute between the petitioners and the defacto complainant, due to which, the petitioners herein created the forged documents and occupied the defacto complainant's property. Hence, he lodged a complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.21 of 2022 dated 28.06.2022 for the offences under Sections 465, 466, 467, 468, 471, 419 IPC against the petitioners.



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

5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.Shanmugavel, Special Sub Inspector of Police, CCB Police Station as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.In the instant case, it is a property dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 465, 466, 467, 468, 471, 419 IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in

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(2012)10 SCC 303 and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in **(2017)9 SCC 641** were taken into consideration.

8.In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.21 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.21 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

07.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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- 1.The Inspector of Police,
CCB Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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