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Crl.O.P.(MD)No.3001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.3001 of 2023

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... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(In Crime No.79 of 2018)

... Respondents/Complainant

2. S.P.Vellaichamy

... 2nd Respondent/ Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to C.C.No.1090 of 2022 on the file of Principal District Munsif cum Judicial Magistrate, Karaikudi and quash the same.

For petitioner : Mr.P. Arun Jeyatram

For R1 : Mr. S.Manikandan
Government Advocate (Crl. side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.1090 of 2022 on the file of the learned Judicial Magistrate, Karaikudi.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.79 of 2018 for the offences punishable under Sections 419, 448, 468, 471 of IPC against the petitioner.

3.The further contention of the petitioner is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioner and the 2nd respondent and also by their respective counsels.

4.The petitioner and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise.



5.It is stated by both of them that a suit was filed by the defacto complainant and that was also compromised and dismissed as withdrawn. Both of them appeared to have purchased the property from two different persons. One from the original allottee and later from the second allottee. Original allotment was cancelled, which was not known to the accused herein. He alleged to have purchased the property from the original allottee through unregistered sale deed. The defacto complainant purchased the property from the second allottee through registered document. This is how the above said dispute occurs.

6.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioner and also in view of the joint compromise memo, dated 15.02.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in C.C.No.1090 of 2022 pending on the file of the learned Judicial Magistrate, Karaikudi in respect of the petitioner.

7.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.1090 of 2022, pending on the file of the learned Judicial Magistrate, Karaikudi is hereby quashed in respect of the



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petitioner. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

14.03.2023

Index : Yes/No

Internet : Yes/No

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To

1.The District Munsif cum Judicial Magistrate
Karaikudi.

2.The Inspector of Police,
Karaikudi North Police Station,
Karaikudi,
Sivagangai District.
(In Crime No.79 of 2018)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA. J.

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