



Crl.O.P.(MD)No.1888 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR JUSTICE SUNDER MOHAN

Crl.O.P(MD)No.1888 of 2020

and

Crl.M.P(MD)Nos.943 & 945 of 2020

1.Nagammal

2.Subburaj

3.Anbuselvan

4.Krishna Prabhu

... Petitioners/Accused No.1 to 4

Vs.

1.State Rep. by

Inspector of Police,

District Crime Branch,

Theni,

Theni District.

(Crime No.14 of 2018)

...1st Respondent/Complainant

2.Dhinakharan

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.03 of 2019, on the file of the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni, Theni District and quash the charge sheet as far as the petitioners herein.

1/6



WEB COPY



Crl.O.P.(MD)No.1888 of 2020

For Petitioner : Mr.S.Chandrasekar
For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R2 : Mr.B.Jeyakumar

ORDER

The petitioner seeks quashing of charge sheet in C.C.No.3 of 2019, on the file of the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni, Theni District for the offences under sections 420, 465, 468, 471 r/w 34 IPC.

2.It is reported that the first petitioner is no more. The petitioners and the defacto complainant have filed a joint compromise memo, dated 25.11.2022 stating that the parties have settled the matter and have entered into compromise. Today, the defacto complainant is present before this Court and confirmed the compromise arrived at between the parties. The relevant portion of the joint compromise memo is extracted hereunder:- :



Crl.O.P.(MD)No.1888 of 2020

WEB COPY

"2. The petitioners submit that the petitioners and the defacto complainant are relatives and hailing from same village. The dispute evolved in view of the trivial mistake crept on the record in relation to the property which are mentioned in this case. The occurrence was said to be taken place not in a pre-determined manner and it was happened beyond their control. The de-facto complainant has also lodged a complaint in his anger mood and he had no intention to take any revenge against the petitioners. As it is a dispute among the close relatives, the petitioners and the de-facto complainant/the 2nd respondent entered into compromise with a view to have good relationship among them and also for future peaceful life. Therefore, this memo for compromise is filed before this Hon'ble Court for compounding the above offence with signatures of both parties. Therefore, the petitioners most humbly pray for pardon of this Hon'ble Court for the inconvenience caused by them.

3. The petitioners submit that the defacto complainant is prepared to withdraw the above case in view of the promise deed dated 02.09.2022 executed in favour of the defacto



WEB COPY



Crl.O.P.(MD)No.1888 of 2020

complainant and his brother Ramaraj by the petitioners 2 to 4. The said promise deed dated 02.09.2022 has been created so as to rectify the mistake in the record as stated in the promise deed and thereafter, the 2nd petitioner has to execute the sale deed in favour of the defacto complainant in respect of 2 acres 85 cents as stated in the promise deed after withdrawing this case as well civil case which are pending between them. On accepting and believing the said promise deed, the defacto complainant entered into compromise with petitioners to withdraw the above said case.

4. The petitioner humbly submits that in view of their compromise for a peaceful future, this Hon'ble Court may be pleased to permit them to compound the offence, though the offences are not compoundable in the interest of justice. "

3. In view of the compromise arrived at between the parties, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.3 of 2019, on the file of the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni, Theni District in respect of the accused Nos.2 to 4 are



Crl.O.P.(MD)No.1888 of 2020

hereby quashed. The joint compromise memo dated 25.11.2022 shall form part of this order. Consequently, connected miscellaneous petitions are closed.

Index: Yes/No
Internet: Yes/No
am

12.01.2023

To

- 1.The Inspector of Police,
District Crime Branch,
Theni, Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.1888 of 2020

SUNDER MOHAN, J.,

am

Crl.O.P(MD)No.1888 of 2020

12.01.2023