



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)Nos.15052 & 17096 of 2022

and

Crl.M.P.(MD)No.9843 of 2022

S.Ravichandran

... Petitioner
(in Crl.O.P.(MD)
No.15052 of 2022)

Ganapathi Subburam

... Petitioner
(in Crl.O.P.(MD)
No.17096 of 2022)

Vs.

1.The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No.118 of 2022)

2.Kathirvel

... Respondents
(in both petitions)

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.118 of 2022 dated 16.06.2022 on the file of the first respondent and quash the same as illegal.

1/6



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

(in both petitions)

WEB COPY

For Petitioner : Mr.C.M.Arumugam
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.V.Sundarraaj

COMMON ORDER

These Criminal Original Petitions have been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.118 of 2022 dated 16.06.2022 on the file of the first respondent and quash the same as illegal.

2. The case of the prosecution is that the petitioner in Crl.O.P. (MD)No.15052 of 2022, who was working as Zonal Deputy Tahsildar and the petitioner in Crl.O.P.(MD)No.17096 of 2022, who was working as Village Administrative Officer along with the first accused had created forged documents in respect of the second respondent's property and by using that the first accused had executed a sale deed in favour of the second accused.



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that on the basis of the direction issued by the learned Judicial Magistrate No.II, Virudhunagar, the first respondent registered an FIR in Crime No.118 of 2022 dated 16.06.2022 for the offences under Sections 420, 465, 468, 471 and 120B IPC against the four persons including the petitioners. He would further submit that the sale deed executed by the first accused in favour of the second accused was already cancelled.

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.K.Pushparaj, Special Sub Inspector, Soolakarai Police Station as well as by the learned counsels appearing for the parties. This



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

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 420, 465, 468, 471 and 120B 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 *(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.118 of 2022 as against the petitioners pending before the first respondent police, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

9. Accordingly, these Criminal Original Petitions stand allowed and as a sequel, the proceedings in Crime No.118 of 2022 as against the petitioners on the file of the first respondent police, is quashed and the terms of joint compromise memos shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

23.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)Nos.15052 & 17096 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)Nos.15052 & 17096 of 2022
and
Crl.M.P.(MD)No.9843 of 2022

Dated: 23.01.2023