



Crl.O.P.(MD)No.15617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.01.2023

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15617 of 2022

1. Murugan,

2. Velchamy,

: Petitioners

Vs

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Thoothukudi Distirct
(Crime No. 8 of 2014).

2. Chellaiah,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the above C.C.No. 12 of 2022 on the file of the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi and Quash the same as against the petitioner.



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For Petitioners : Mr.C.Jeganathan
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.K.Rajeswaran

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the charge sheet in C.C.No. 12 of 2022 on the file of the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi and quash the same as illegal.

2. The case of the prosecution is that the petitioners had created a forged death certificate and executed a power deed in favour of the third accused. Hence the complaint.

3. 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.8 of



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2014 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.12 of 2022 on the file of the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi against the petitioners and others for the offences under Sections 120(B), 420, 423, 465, 467, 468 and 471 IPC.

4. The case is under trial. 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 counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.D.Selvadurai, Anti Land Grabbing Special Cell, Thoothukudi 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, the dispute is of personal in nature and the



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parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 120(B), 420, 423, 465, 467, 468 and 471 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 Gujraath* 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 C.C.No.12 of 2022 pending before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.12 of 2022, on the file of the learned Judicial



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Magistrate, Special Court for Land Grabbing Cases, Thoothukudi, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

20.01.2023

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

1. The Inspector of Police,
Anti Land Grabbing Special Cell,
Thoothukudi District

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



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K.MURALI SHANKAR,J.

lr

Order made in
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