



Crl.O.P.(MD)No.22880 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.22880 of 2022

and

Crl.M.PMD) Nos.16214 and 16215 of 2022

1.M.S.Ganesan

2.Subramanian

3.R.Rajasekar

4.Nallu

5.Pandiyammal

6.Rajangam

7.M.S.Murugan

... Petitioners/Accused 1-7

Vs.

1. The State, represented by
The Inspector of Police
(Anti Land Grabbing Special Cell)
District Crime Branch,
Madurai District.

... Respondent/Complainant

M.Shajathi Begum (Died)

... Respondent/Defacto Complainant

2. N.Noosaj

3.N.Imaan



Crl.O.P.(MD)No.22880 of 2022

4. N.Thakur
WEB COPY

...Respondents 2 to 4 / Legal Heirs
of Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the CC No. 24 of 2019 on the file of the learned Judicial Magistrate, Anti-Land Grabbing Special Court, Madurai, in Crime No.11/2012 dt.3/2/2012 on the file of the Respondent Police and Quash the same.

For Petitioner	: Mr.C.Masilamani
For R1	: Mr.S.Manikandan Government Advocate (Crl. Side)
For R2 to R4	: Mr.J.N.Mohamed Salman Yusuf

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction, to call for the records pertaining to the CC No.24 of 2019 on the file of the learned Judicial Magistrate, Anti-Land Grabbing Special Court, Madurai, in Crime No.11/2012 dt. 3/2/2012 on the file of the Respondent Police and Quash the same.

2. The contention of the petitioners is that based on the complaint lodged by the defacto complainant, the 1st respondent registered the First



Crl.O.P.(MD)No.22880 of 2022

Information Report in Crime No.11 of 2012 for the offences punishable under Sections 120(b), 294(b), 419, 420, 468, 471 & 506(ii) IPC, against the petitioners.

3. The legal heirs of the defacto complainant and the accused Nos. 1 to 7 are present before this Court. The accused No.8 who is reported to be dead, said to have impersonated the original owner and sold the property to the other accused. The legal heirs of the defacto complainant would submit that because of change of Sub-Registrar's office, they were not in a position to know the encumbrance of the above said property. Only thereafter, they came to know the encumbrance and lodged a complaint against the petitioners. Now the accused Nos.1 to 7 handed over the property to the respondents 2 to 4 and they have no objection to quash the C.C.No.24 of 2019 on the file of the learned Special Judicial Magistrate, Special Court for Anti Land Grabbing Cases, Madurai, which is pending against the petitioners. The accused have stated that they will not disputing the ownership of the property.



Crl.O.P.(MD)No.22880 of 2022

3. The further contention of the petitioners is that they compromised the issue with the respondents 2 to 4 amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the respondents 2 to 4 and also by their respective counsels.

4. The petitioners and the respondents 2 to 4 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. Hence, the Compromise Memo is recorded.

5. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 22.12.2022, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in C.C.No.24 of 2019 pending on the file of the learned Special Judicial Magistrate, Special Court for Anti Land



Crl.O.P.(MD)No.22880 of 2022

Grabbing Cases, Madurai,, is quashed and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.24 of 2019, pending on the file of the learned Special Judicial Magistrate, Special Court for Anti Land Grabbing Cases, Madurai, is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order. Consequently, the connected Miscellaneous Petitions are closed.

21.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu



WEB COPY



Crl.O.P.(MD)No.22880 of 2022

G.ILANGOVAN,J.

Indu

To

1. The learned Special Judicial Magistrate,
Special Court for Anti Land Grabbing Cases,
Madurai,
2. The Inspector of Police,
(Anti Land Grabbing Special Cell)
District Crime Branch,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.22880 of 2022

Dated: 21.03.2023