



Crl.O.P.(MD)No.22573 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.22573 of 2022

1.Muralidharan

2.Khan Mohamed

3.Natarajan

4.V.R.Ramesh

5.Rabeek Mydeen

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.66 of 2011)

2.Dharmar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to case in C.C.No.17 of 2019 on the file of the Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and quash the same.



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Crl.O.P.(MD)No.22573 of 2022

For Petitioners : Mr.K.R.Baduruszaman
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.M.Gandhirajan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to case in C.C.No.17 of 2019 on the file of the Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and quash the same.

2. The case of the prosecution is that the petitioners obstructed the second respondent/defacto complainant from doing cultivation in his land and damaged the coconut trees and threatened the second respondent with dire consequences.

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.66



Crl.O.P.(MD)No.22573 of 2022

of 2011 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.17 of 2019 on the file of the Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai for the offences under Sections 120(b), 147, 341, 427, 447, 294(b) and 506(1) IPC against the petitioners.

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.R.Siva Kumar, Special Sub Inspector, Anti Land Grabbing Special Cell, Dindigul 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 parties had compromised. Where the parties have compromised the



Crl.O.P.(MD)No.22573 of 2022

matter, the High Court has to power to quash the complaint for the offence under Sections 120(b), 147, 341, 427, 447, 294(b) and 506(1) 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 C.C.No.17 of 2019 pending before the J Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, 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.17 of 2019, on the file of the Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases,



Crl.O.P.(MD)No.22573 of 2022

Madurai, is quashed and the joint compromise memo shall form part and parcel of this order.

12.01.2023

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

To

- 1.The Special Judicial Magistrate,
Special Court for Exclusive Trial of Land Grabbing Cases,
Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22573 of 2022

K.MURALI SHANKAR,J.

csn

Order made in
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