



Crl.O.P.(MD)No.28 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.28 of 2023
and
Crl.M.P(MD).No.27 of 2023

1.M.Amutha

2.Subbiah

3.Maharajan

... Petitioners

Vs.

1.The State represented by
The Inspector of Police,
Thevarkularm Police Station,
Tirunelveli District.
(Crime No.87 of 2015)

2.Udaiyammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the C.C.No.14 of 2017 pending on the file of the Special Court for Land Grabbing Cases, Tirunelveli and quash the same as against these petitioners.



WEB COPY



Crl.O.P.(MD)No.28 of 2023

For Petitioners : Mr.G.Karuppasamy Pandian,
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R2 : Mr.S.Gurusamy

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the C.C.No.14 of 2017 pending on the file of the Special Court for Land Grabbing Cases, Tirunelveli and quash the same as against these petitioners.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and a complaint and the defacto complainant with regard to the property. 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.87



Crl.O.P.(MD)No.28 of 2023

of 2015 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.14 of 2017 on the file of the Special Court for Land Grabbing Cases, Tirunelveli, for the offences under Sections 465, 467, 468, 471 and 420 IPC against the accused persons, including 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 petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and they were identified by Mr.Ashok Kumar, Head Constable 2058, Thevarkulam Police Station, Tirunelveli District 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.



Crl.O.P.(MD)No.28 of 2023

WEB COPY

6. In the instant case, the dispute is of personal in nature and the 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 465, 467, 468, 471 and 420 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.14 of 2017 as against the petitioners pending before the Special Court for Land Grabbing Cases, Tirunelveli, 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.14 of 2017, on the file of the Special Court for



Crl.O.P.(MD)No.28 of 2023

Land Grabbing Cases, Tirunelveli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

Consequently, connected Miscellaneous Petitions closed.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Special Court for Land Grabbing Cases,
Tirunelveli.
- 2.The Inspector of Police,
Thevarkularm Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.28 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.28 of 2023
and
Crl.M.P(MD).No.27 of 2023

Dated: 31.01.2023