



Crl.O.P.No.3178 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.3178 of 2022
and
Crl.M.P.Nos.1437 & 1438 of 2022

A.Pasupathy

... Petitioner

Versus

1. State rep. by
The Inspector of Police,
Central Crime Branch,
Salem City, Salem-636 001.
(Crime No.24 of 2013)

2. P.Sivanandan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for entire records relating to C.C.No.163 of 2021 from the file of Judicial Magistrate-III, Salem and quash the same as against the petitioner arrayed as 3rd accused therein.



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For Petitioner : Mr.D.Sivakumar
For Respondents : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side) for R1
Mr. I.Arokiasamy for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 163 of 2021 on the file of learned Judicial Magistrate No.III, Salem.

2. Heard both sides.

3. Totally, there are six accused involved in the crime. The petitioner is ranked as A3 and against him as well as other 5 accused, the F.I.R. in Crime No.24 of 2013 was registered for the offence under Sec.120B, 465, 471, 193, 196 and 109 of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.163 of 2021 on the file of Judicial Magistrate-III, Salem and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet stating that he has been falsely implicated in this case



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by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. In fact, due to the misunderstanding with the 2nd respondent and his father/A1, there was a family dispute in the erstwhile partnership firm of Narasu's Coffee company, thereby a civil suit is pending between the parties. While so, father of 2nd respondent colluded with the tenant A2 Rajesh fabricated a document styled as Vardamana letter dated 16.09.2005 and in that letter, as an Advocate-Notary, he authorised the said document, except that he has not committed any offence, but he was falsely implicated in this case as if he has also colluded with father of 2nd respondent on the fabrication of Vardamana letter. Hence, he prayed to quash the proceedings initiated against him.

4. Today, when the matter taken up for hearing, learned counsel for petitioner would submit that already the matter was settled between landlord and tenant, thereby the proceedings was already quashed by this court in Crl.O.P.No.17031 of 2021 against A2. Hence, this petitioner is also entitled to discharge from the proceedings.



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5. On perusal of the said order, it reveals that already the 2nd respondent entered into a compromise and amicably settled the issue and the disputed property was also vacated and the premises was handed over to 2nd respondent on 05.09.2021. So, as on date, issue between the parties was settled. Hence, the charge sheet initiated against this petitioner is also liable to be quashed. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner in a charge sheet in C.C.No.163 of 2021 on the file of Judicial Magistrate No.III, Salem is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

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Index: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
Central Crime Branch, Salem City, Salem-636 001.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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