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Crl.OP.No. 9940 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.9940 of 2024

and

Crl.M.P.No.6829 of 2024

1. Lakshmi @ Lokammal
2. Nirmala
3. Balakumari
4. Sathish Kumar
Petitioners

...

Vs.

1. The State represented by
Inspector of Police,
District Crime Branch
Thiruvannamalai District.

2. Leelavathi
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.222 of 2023, pending on the file of Judicial Magistrate Thiruvannamalai and quash the same.

For Petitioner : M/s. G.Selvi George
For R1 : Mr. S.Udaya Kumar,
Government Advocate (Crl. Side)
For R2 : A.K.Velan



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ORDER

This Criminal Original Petition is filed to quash the final report in Cr.No.20 of 2019 for the offence under Section 465, 468, 471, 420, 120B, 177 of the Indian Penal Code.

2. The sum and substance of the complaint and the final report is that one Mr.Duraikannu died intestate on 09.08.1990, leaving around 2 acres and 44 cents of land situated at Ariyapadi village, Arani Taluk, Thiruvannamalai District. He left behind his wife, four daughters and one son. Alleging that the shares of the Defacto complainant is one of the daughter been grabbed by other creating fake documents such as creating a Will, a complaint was lodged on 26.07.2018 and simultaneously, a partition suit was also filed in O.S.No.23 of 2018 on the file of the Additional District Court (Fast Track), Arani. Pending suit, parties have arrived at an settlement through Lok Adalat and an award has been passed to the effect that each of the six legal heirs of late Durai Kannu is entitled to 1/6th share in the property left intestate by Durai Kannu.

While so, the final report in the complaint registered in Crime No. 20 of



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2018 filed. Challenging the same, the present petition has been filed to quash.

3. The Defacto complainant put to notice and he is represented by the counsel. The counsel appearing for the defacto complainant submitted that no doubt an award was passed in mediation based on the understanding arrived between the legal heirs. Pursuant to the award, final decree petition is pending before the Additional District Court, Arani. In the meanwhile, the mother also died and this petitioner has created a fake Will and grabbed the 1/6th share allotted to his mother and therefore, criminal prosecution has to continued.

4. This Court, after reading the Section 161 statement of the witnesses annexed in the final report, which is under challenge, along with the award passed by the Lok Adalat, finds that the parties who are the descendants of Durikannu have been give equal share through Lok Adalat settlement. The documents disputed in this criminal prosecution on the ground of forgery, cheating and conspiracy. This dispute is between the brothers and sisters who had substantially settled through mediation and having reached the stage of passing final decree.



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5. In view of the mediation award passed subsequently, the criminal case registered prior to the settlement through mediation which has set at naught the effect of the dispute documents is liable to be quashed. If the criminal prosecution is allowed to continue it will certainly affect passing of final decree dividing the property by metes and bounds. Further, the purpose of mediation under Section 89 of CPC will be defeated, if the criminal case is allowed to be proceeded. Hence, to meet the ends of justice, it would be appropriate to quash the final report. Accordingly, the final report is quashed.

6. In the light of the above facts, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

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To

- 1.The Inspector of Police,
District Crime Branch
Thiruvanamalai District.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN, J.

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