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Crl.O.P.No.15866 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.15866 of 2024

1.A.Sekar

2.S.Anjali Devi

.. Petitioners

/versus/

1.The State

Rep.by the Inspector of Police,
F-5, Choolaimedu Police Station,
Choolaimedu, Chennai 600 094.

2.Mrs.M.Mala

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the criminal proceedings in C.C.No.5530 of 2023 on the file of CCB & CBCID Metropolitan Magistatre Egmore at Chennai(previously C.C.No.10 of 2022, pending on the file of Hon'ble Special Metropolitan Magistrate-2) Land Grabbing) Allikulam at Chennai) and quash the same as compromise.

For Petitioners :Mr.M.Sarfudeen Ali Ahamed

For R1 :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)



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ORDER

The petitioners are the accused in C.C.No.5530 of 2023 on the file of the CCB & CBCID Metropolitan Magistrate, Egmore, Chennai contending that the dispute between the petitioners and the defacto complainant regarding the property left by Kuppammal been settled by way of joint compromise memo and the suit was decreed accordingly. Therefore, the criminal complaint has to be quashed.

2. According to the petitioners, the allegation of creation of false legal heirs certificate to alienate the property by way of settlement deed by A1 in favour of his wife (A2), which is the subject matter of C.C.No.5530 of 2023, need not be proceeded further in view of the compromise entered between the defacto complainant and the petitioners.

3.This Court is not inclined to exercise the power under Section 482 of Cr.P.C. Even if the property dispute is settled between the rival claimants, it need not take away the rigorous of the element of criminality



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making false document, which is the subject matter of the trial. Hence, it is for the Magistrate to consider the subsequent development and proceed in accordance with law. In case the victim and the accused want to avoid trial, it is open to them to resort invoking provisions for compounding or plea bargaining.

4. In view of the above, this Criminal Original Petition is dismissed.

05.07.2024

Index:yes/no

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To:

- 1.The CCB & CBCID Metropolitan Magistatre Egmore at Chennai
- 2.Special Metropolitan Magistrate-2) Land Grabbing) Allikulam at Chennai
- 3.The Inspector of Police, F-5, Choolaimedu Police Station, Choolaimedu, Chennai 600 094.
- 4.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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