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Crl.RC.No.1641 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.1641 of 2022

and

Crl.MP.No.19609 of 2022

D.Suganthi

...Petitioner

Vs.

1. State rep. by,
The Inspector of Police,
G10, Anaicut Police Station,
Chengalpattu District.
(Crime No.244 of 2017)

2. C.Shantha

(R2 impleaded, vide order dated 18.04.2023 made in Crl.MP.No.5483 of 2023 in Crl.RC.No.1641 of 2022.)

...Respondents

Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., to set aside the order in Crl.MP.No.52 of 2021 in CC.No.348 of 2020 dated 20.08.2022 passed by the learned District Munsif cum Judicial Magistrate, Cheyyur.

For Petitioner : Mr.R.Vijayaraghavan

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side), for R1
: Mr.R.Ganesh kumar
for Mr.C.Jayavel, for R2

ORDER



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This Criminal revision has been filed seeking quashment of the order made in Crl.MP.No.52 of 2021 in CC.No.348 of 2020 dated 20.08.2022 on the file of the District Munsif cum Judicial Magistrate, Cheyyur.

2. The petitioner is the accused and the 2nd respondent is the defacto complainant. For the sake of convenience, the parties will be hereinafter referred to as 'accused' and 'defacto complainant'.

3. The case of the petitioner is that, the petitioner is the grand daughter as well as the adopted daughter of one Venkatasamy Reddiar, who executed a registered sale deed bearing No.1041 of 1960 in favour of one Muthusamy Mudaliar, father of the de-facto complainant in respect of the property comprised in S.No.22/1 to an extent of 62 cents. However, the said Venkatasamy Reddiar had also settled the above said property comprised in S.No.22/1 in favour of his wife late Rukmani Ammal, who in turn settled all the properties inherited by her including the above said property in favour of the petitioner by way of registered WILL dated 19.11.1996 bearing No.39 of 1996 and based on which, the petitioner had executed a registered sale deed bearing No.7248 of 2011 dated 24.11.2011 in favour of one Raguraman in



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respect of the subject property. While so, questioning the execution of the said sale deed dated 24.11.2011, the de-facto complainant made a complaint before the Law enforcing agency and based on which, an FIR came to be registered under No.244 of 2017 for the alleged offences under Section 420, 120(b), 465, 468, 471, 419 r/w 34 of IPC as against the petitioner and other accused persons and the final report came to be filed before the trial court and the same was taken on file in CC.No.348 of 2020 and the petitioner is arrayed as A1, in which the petitioner filed CMP.No.52 of 2021 under Section 239 r/w 244 and 245 of Cr.P.C., seeking to discharge her with respect of all the offences referred in the final report and the trial court, vide order dated 20.08.2022, dismissed the said petition. Challenging the same, the petitioner has come up with the present revision.

4. Learned counsel for the petitioner submitted that during the pendency of this revision, the petitioner and the 2nd respondent arrived at a compromise and the petitioner, without prejudice to her right of contesting the Civil Suit in OS.No.252 of 2020 on the file of the learned Additional District Judge, Chengelpattu had executed a cancellation deed bearing Doc.No.4602 of 2024 dated 26.07.2024, cancelling the sale deed dated



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24.11.2011 bearing Doc.No.7248 of 2011. The 2nd respondent/defacto complainant also acceded to the same and has consented for setting aside the impugned order dated 20.08.2022 made in Crl.MP.No.52 of 2021 in CC.No.348 of 2020. To that effect, a compromise memo dated 30.07.2024 duly signed by the petitioner and the 2nd respondent as well as by the learned counsel for the parties has been filed before this Court today.

5. In view of the above compromise entered into between the parties and as the petitioner, without prejudice to her right of contesting the Civil Suit in OS.No.252 of 2020 on the file of the learned Additional District Judge, Chengelpattu had executed a cancellation deed bearing Doc.No.4602 of 2024 dated 26.07.2024, cancelling the sale deed dated 24.11.2011 bearing Doc.No.7248 of 2011, questioning which, the 2nd respondent/defacto complainant had filed the present complaint, this Court is of the view that nothing survives for further adjudication and thereby, this Court is inclined to quash the main CC itself.

6. Accordingly, this Criminal revision case stands allowed in terms of



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compromise and the main CC.No.348 of 2020 itself is quashed insofar as the petitioner is concerned and thereby, the impugned order dated 20.08.2022 made in CMP.No.52 of 2021 does not subsist. The joint memo of compromise dated 30.07.2024 filed by the parties before this Court today shall form a part and parcel of this order. Consequently, the connected Miscellaneous petition is closed.

30.07.2024

skt

Speaking Order : Yes/ No
Index : Yes/ No
Internet : Yes/ No

To

1. The District Munsif cum Judicial Magistrate,
Cheyyur.
2. The Inspector of Police,
G10, Anaicut Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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