



WEB COPY



Crl. O.P. No.21

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21910 of 2023

and

Crl. M.P. No.15189 of 2023

1. Selvamani S/o. Subbrayan

2.Subbarayan C/o. Periyannan

... Petitioners

Vs.

1.The State Rep. by

The Inspector of Police,
C-3, Saibaba Colony Police Station,
Coimbatore District.

2.Venkat Prasath S/o. Eswaramoorthy

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal

Procedure to call for the records relating to the impugned FIR in Crime No.166 of 2023

on the file of the 1st respondent and to quash the same insofar as the petitioners are

concerned,

For Petitioners

For Respondents

: Ms. P. Arasammal

: Mr.A.Damodaran

Additional Public Prosecutor
for R1

Mr. P.S. Kothandaraman [for R2]



ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.166 of 2023 pending on the file of first respondent.

2. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Memo of Compromise dated 17.10.2023 signed by both petitioners and second respondent/*de facto* complainant and their respective counsel has been filed before this Court. A compromise affidavit has also been filed by the second respondent/de-facto complainant before this Court. The petitioners and second respondent were also present in person before this Court and they were identified by Mr. Thangadurai, Special Sub Inspector of Police, C-3, Saibaba Colony Police Station, Coimbatore District. In the affidavit it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.166 of 2023 pending on the file of first respondent. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



4. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)** and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Crl 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.166 of 2023 pending on the file of first respondent.

5. It is brought to the notice of this Court that all the pending proceedings have been withdrawn by the respective parties and memorandum of compromise have been fulfilled by both the parties and what remains is the entry that is shown in the encumbrance certificate pertaining to the registration of the sale agreement. This entry needs to be reversed in order to remove the encumbrance that is projected in the encumbrance certificate.

6. In view of the compromise between the parties and also the withdrawal of the suits, it is left open to the petitioner to submit this order before the Sub-Registrar, Sullur with a request to reverse the entry made in the Encumbrance Certificate pertaining to



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Doc. No.8661 of 2016 dated 02.09.2016. The Sub-Registrar shall make a note by referring to this order and shall reverse the entry made pertaining to Doc. No.8661 of 2016. This process shall be completed by the Sub-Registrar within a period of **2 weeks** from the date of receipt of copy of this order.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.166 of 2023, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) as costs, to the credit of the **President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157)**, within a period of two weeks from today and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

19.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
mjs



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N.ANAND VENKATESH, J

mjs

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- To
- 1.The Inspector of Police,
C-3, Saibaba Colony Police Station,
Coimbatore District.
 2. The Sub-Registrar, Sulur.
 - 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.21910 of 2023

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