



CRL OP(MD). No.11749 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 21.10.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

CrI.O.P(MD)No.11749 of 2023

1.Vijayalakshmi
2.Rahaventhana
3.Manimegalai
4.Jeyaprakash
5.Palraj

... Petitioners/Accused Nos.
1,2,5,6&7

Vs.

1.State represented by
The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
(Crime No.68/2022)

...Respondent/Complainant

2.Mr.Gopalsamy

... Respondent/De-facto
Complainant

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case FIR in Crime No.68 of 2022 on the file of the 1st respondent and quash the same.

For Petitioners

:Mr.S.Ramasamy



CRL OP(MD). No.11749 of 2023

For R1

:M/s.M.Aasha

Government Advocate

For R2

:Mr.K.Salai Arul Mani

ORDER

This Criminal Original Petition is filed to quash the FIR in Crime No.68 of 2022 on the file of the first respondent.

2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first respondent and the learned counsel for the second respondent.

3.The de-facto complainant/second respondent filed a private complaint under Section 156(3) Cr.P.C., before the Judicial Magistrate, Aruppukottai in Cr.M.P.No.2037 of 2022 and the same was forwarded to the first respondent. After receiving the same, the first respondent registered a case in Crime No.68 of 2022 for the offences under Sections 465, 468, 471, 406, 420 and 120B IPC.

4.The case of the prosecution is that on 29.11.2010 the second respondent has purchased the property along with the first petitioner in



CRL OP(MD). No.11749 of 2023

Survey No.14/8B measuring an extent of 53 cents situated at Velayuthapuram Village, Aruppukottai Taluk, Virudhunagar District, from one Victor for a sale consideration of Rs.31,80,000/-, for which, the first petitioner paid a sum of Rs.20,00,000/- and the second respondent has a sum of Rs.11,80,000/- and the sale deed was registered in the name of the first petitioner. It is further alleged that on the day of sale deed, the second respondent entered share agreement with the first petitioner that after selling the property, the amount shall be divided in two shares and the original sale deed was with the second respondent. While so, the second respondent asked the first petitioner to sell the property, but she refused and demanded more share. Thereafter, she gave a complaint before the first respondent that the original sale deed was found missing. Thereafter, on 29.09.2021 in order to grab the aforesaid property, the first petitioner executed a gift deed in favour of the second petitioner, by giving a false address. In the settlement deed, the fourth and fifth petitioners signed as witnesses and the third petitioner prepared the above said settlement deed. Hence, the second respondent gave a complaint.



CRL OP(MD). No.11749 of 2023

5.Except the first and second petitioners, all the other petitioners are present before this Court. The de-facto complaint is also present. The first and second petitioners are present virtually. A Joint Compromise Memo is filed.

6.It is submitted on behalf the de-facto complainant that the case can be closed and they are not willing to press the allegations.

7.Considering the nature of allegations in this case that with reference to the purchase of property jointly by the de-facto complainant and the accused and thereafter without giving the share of the de-facto complainant, other documents have been created, the allegations being private in nature between the parties, I am of the view that this Court comes within the four corners of the judgment of the Hon'ble Supreme Court of India, in the case of ***Gian Singh-vs-State of Punjab & Another*** reported in ***2012(10)SCC 303***, and accordingly, I am inclined to exercise the extraordinary power under Section 482 of the Code of Criminal Procedure.



CRL OP(MD). No.11749 of 2023

8. Accordingly, the Criminal Original Petition stands allowed. The

Memorandum of Compromise shall form part of the order. The case in Crime No.68 of 2022 on the file of the respondent police shall stand quashed.

21.10.2024

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

1. The Inspector of Police,
Pandalgudi Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL OP(MD). No.11749 of 2023

D.BHARATHA CHAKRAVARTHY,J

NS

ORDER
IN
CRL OP(MD) No.11749 of 2023

Date : 21/10/2024