



Crl.O.P(MD)No.14727 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P(MD)No.14727 of 2021
and Crl.MP(MD) No7087 of 2021

1. V. Pandurangan
2. C.Arumugam
3. V.Dhanalakshmi
4. Sundaravadivel @ Vadivel
5. P.Ponraj

... Petitioners

Vs

1. The Inspector of Police,
District Crime Branch,
Madurai District, Madurai.
2. N.Kanthaiah Gunasekaran (Died)
3. Sakthivel

... Respondents



Crl.O.P(MD)No.14727 of 2021

PRAYER: Criminal Original petition has been filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned charge sheet in C.C.No.8 of 2016 pending on the file of the Judicial Magistrate Court No.I, Madurai and quash the same against the petitioners.

For Petitioner : Mr. PR. Boomee Rajan

For Respondents :Mr.S.Ravi (R1)
Additional Public Prosecutor
Died (R2)
No Appearance (R3)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.C.C.No.8 of 2016 pending on the file of the Judicial Magistrate Court No.I, Madurai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for this first respondent. Though the name of the third respondent is printed in the cause list, there is no appearance either in person or through counsel on behalf of the third respondent.



Crl.O.P(MD)No.14727 of 2021

WEB COPY

3.It may not be necessary to go into the merits of the case, since the issue has been amicably settled between the parties before this Court in the Civil Revision Proceedings in C.R.P (PD) (MD) No.1866 of 2017.

4.C.R.P(MD)(PD) No.1866 of 2017 was filed by the third and fourth petitioners herein along with one Marimuthu, who were the defendants in the suit in O.S.No.152 of 2015 on the file of Sub Court, Thirumangalam against the second respondent, who was alive at that point of time. The second respondent is none other than the father of the third respondent. The Civil Revision Petition was filed against the order passed in an Interlocutory Application (I.A.No.372 of 2017).

5.During the pendency of Civil Revision Petition, the parties have reached compromise and filed a memo of compromise signed by the parties and their respective counsels, dated 24.11.2017. The relevant portion in the memo of compromise are extracted hereunder:



WEB COPY



Crl.O.P(MD)No.14727 of 2021

“1) The Respondent herein filed the suit in O.S.No.152 of 2015 on the file of Sub Court, Titumangalam against the petitioners herein for declaration of title and for recovery of possession. Since the Respondent borrowed RS. 2,35,000/-from petitioners 1 and 2 on various dates, the Respondents suit property was handed over to the petitioners 1 and 2 in lieu of interest. On 01.0.2016, exparte decree was passed in O.S. No. 152 of 2015 on the file of Sub Court, Thirumangalam and the Respondent herein was directed to deposit a sum of Rs. 1,35,000/- and on such deposit petitioners 1 and 2 has to handover the suit property to the Respondent. On 14.10.2016 the Respondent deposited Rs. 1,35,000/- in the court. Since, the possession was not handed over, the Respondent filed E.P. No. 76 of 2017. In the said E.P. also the petitioners remind ex-parte. Subsequently the petitioners filed I.A. No. 372 of 2017 in O.S. No. 152 of 2015 to condone the delay of 408 days in filing the petition to set aside the ex-parte decree. The said I.A, was dismissed on 13.09.2017 and against the said order the above revision was filed by the petitioners.

2)It is stated that during the pendency of the revision a



Crl.O.P(MD)No.14727 of 2021

compromise was entered into between the parties to the revision on the following terms and conditions :

i) The petitioners herein demanded Rs.20,000/- from the Respondent and the Respondent also agreed to pay the same. On payment of Rs.20,000/- apart from the deposit amount Rs. 1,35,000/- which is under court deposit, the petitioners agreed to handover vacant possession of the suit property which is the subject matter in O.S. No. 152 of 2015 on the file of the Sub Court, Thirumangalam and the key to the Respondent. Today 24.11.2017 the petitioners handed over the possession of the suit property and the Respondent also got possession and key of the suit property.

ii) It is further stated since a forged document was created by the petitioners 1 and 2, the Respondent herein made a complaint against the petitioners 1 and 2 and against one Pandurangan and a case has . been pending before Judicial Magistrate No.1, Madurai in C.C. No. 8/2016. The Respondent herein agreed to cooperate with the petitioners and Pandurangan in the event of any quash petitions filed by the petitioners and in the said quash petition the Respondent will give consent for withdrawing the CC pending before Judicial Magistrate No. 1, Madurai.”



Crl.O.P(MD)No.14727 of 2021

WEB COPY

5.The above compromise between the parties has taken into consideration and the C.R.P(MD)(PD) No.1866 of 2017 was disposed of by Order, dated 24.11.2017 by recording the compromise and the joint compromise memo was made part of the proceedings.

6.It is clear from the above compromise memo that the second respondent, who was alive at the relevant point of time had agreed to give consent for withdrawing the criminal proceedings pending against the petitioners by giving no objection to quash the proceedings.

7.In the light of the abode development, no usual purpose will be served to keep the proceedings pending. The second respondent, who had signed the compromise memo has subsequently died and his son has been impleaded as the third respondent. The third respondent has been served with notice, but he has not chosen to appear either in person or through counsel. Probably, the third respondent does not want to come to Court, since the matter has already been settled.



Crl.O.P(MD)No.14727 of 2021

WEB COPY

8.In the result, the proceedings in C.C.No.8 of 2016 pending on the file of the Judicial Magistrate Court No.I, Madurai is hereby quashed on the ground of compromise and this Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

07.11.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
PNM

To

1. The Judicial Magistrate, Manapparai

2. The Inspector of Police,
District Crime Branch,
Madurai District, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7/8



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Crl.O.P(MD)No.14727 of 2021

N.ANAND VENKATESH, J.

PNM

ORDER IN
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