



Crl.O.P.(MD)No.14647 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14647 of 2024

1.Sheik Abdulla

2.Thameen Ansari

3.Shahul Hameed

4.Saravanakumar

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
District Crime Branch/
Anti Land Grabbing Special Cell,
Ramanathapuram.
(Crime No.17 of 2023)

2.Kutuputeen Kamaal Batcha

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records pertaining to the charge sheet in C.C.No.14 of 2022 on the file of the Special Court for Land Grabbing Cases, Ramanathapuram and quash the same as illegal.



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For Petitioners : Mr.R.Babu Jaganath
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.S.Karthikeyan

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.14 of 2022 pending on the file of the Special Court for Land Grabbing Cases, Ramanathapuram.

2. The case of the prosecution is that the first accused along with the petitioners/accused 2 to 5, in order to grab the the second respondent/ defacto complainant's property, had created forged documents and cheated him.

3. The learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.17 of 2013 and after investigation and filing of the final report, the same



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was taken cognizance in C.C.No.14 of 2022 for the offences under Sections 120(b), 147, 420, 423, 427, 448, 465, 468, 471 and 506(1) IPC against five persons including the petitioners and is pending on the file of the Special Court for Land Grabbing Cases, Ramanathapuram. He would further submit that the first accused died on 10.05.2018 and also produced the copy of the death certificate.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Joint Memo of Compromise dated 10.08.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent are present before this Court and and they were identified by Mr.K.Ramamoorthy, Special Sub Inspector, DCB Ramnad, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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6. In the instant case, it is a property dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 120(b), 147, 420, 423, 427, 448, 465, 468, 471 and 506(1) IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.14 of 2022 as against the petitioners pending before the Special Court for Land Grabbing Cases, Ramanathapuram, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.14 of 2022, on the file of the Special Court for Land Grabbing Cases, Ramanathapuram, is quashed as against the



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petitioners and the joint compromise memo dated 10.08.2024 shall form part and parcel of this order.

15.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Special Court for Land Grabbing Cases,
Ramanathapuram.
- 2.The Inspector of Police,
District Crime Branch/
Anti Land Grabbing Special Cell,
Ramanathapuram.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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Dated: 15.10.2024