



Crl.O.P.(MD)No.15207 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15207 of 2024

1.G.Rajendran

2.Hemalatha

3.Anbalagan

... Petitioners

Vs.

1.The State rep. by
The Inspector of Police,
District Crime Branch / ALGSC,
Thanjavur District.
(Crime No.3 of 2020)

2.S.S.Mahilapandian

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records in relating to the C.C.No.281 of 2023 on the file of the learned Judicial Magistrate II, Thanjavur in Crime No.3 of 2020 on the file of District Crime Branch / ALGSC and quash the same.



WEB COPY



Crl.O.P.(MD)No.15207 of 2024

For Petitioners : Mr.S.Ashok Kumar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R2 : Mr.T.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.281 of 2023 pending on the file of the Judicial Magistrate No.II, Thanjavur.

2. The case of the prosecution is that the petitioners and other accused had encroached the second respondent's property by using fabricated documents.

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.3 of 2020 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.281 of 2023 for the offences under Sections 423, 466, 468, 448, 420, 471, 209 and 109 IPC against five persons



Crl.O.P.(MD)No.15207 of 2024

WEB COPY

including the petitioners/accused 1, 2 and 4 and is pending on the file of the Judicial Magistrate No.II, Thanjavur. He would further submit that the accused 3 and 5 died prior to filing of final report.

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. The learned counsel appearing for the second respondent would submit that the second respondent is suffering from prostate cancer.

6. A Joint Memo of Compromise dated 05.09.2024 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 are present before this Court and the second respondent appeared through Video Conferencing and they were identified by Mr.V.Senthil Kumar, Head Constable 677, DCB/ALGSC, Thanjavur, 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



Crl.O.P.(MD)No.15207 of 2024

settlement between themselves.

WEB COPY

7. 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 423, 466, 468, 448, 420, 471, 209 and 109 IPC.

8. 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 Gujrath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

9. 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.281 of 2023 as against the petitioners pending before the Judicial Magistrate No.II, Thanjavur, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the



Crl.O.P.(MD)No.15207 of 2024

proceedings in C.C.No.281 of 2023, on the file of the Judicial Magistrate No.II, Thanjavur is quashed as against the petitioners and the joint compromise memo dated 05.09.2024 shall form part and parcel of this order.

03.10.2024

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

To

- 1.The Judicial Magistrate No.II,
Thanjavur.
- 2.The Inspector of Police,
District Crime Branch / ALGSC,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.15207 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15207 of 2024

Dated: 03.10.2024