



Crl.O.P.(MD)No.19991 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.B.Aavudaiatchi
2.G.Seeniammal
3.P.Mariammal
4.B.Renganayagi
5.R.Gomathi
6.V.Velraniumalakshmi
7.E.Mohan
8.K.Palraj

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep through,
The Inspector of Police,
Thiruthangal Police Station,
Thiruthangal,
Virudhunagar District.
(Crime No.261 of 2023)

2.Krishnasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with Crime No.261 of 2023, on the file of the first respondent Police and quash the same as illegal.



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For Petitioners : Mr.M.Kannan

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R2 : Mr.R.Saravanakumar

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.261 of 2023, pending on the file of the first respondent Police.

2. The case of the prosecution is that the land measuring an extent of 2 Acres and 82 Cents in Survey No.755/10 under Patta No.1855 originally belonged to Karuppaiah Thevar, son of Muthusamy Thevar. Karuppaiah Thevar passed away intestate (without leaving a will), and since he had no children, his only legal heir was his sister, Sadaichiammal. Upon his death, Sadaichiammal inherited the land. In 2015, Sadaichiammal executed a registered gift deed (Document No. 3860/2015) in favor of her daughter, Velrani, thereby, legally transferring the ownership of the land to Velrani. However, the



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petitioners presented a forged letter purportedly from the Village Administrative Officer (VAO) before the Sub-Registrar Office, Thiruthangal. By using this forged document, the petitioners succeeded in having the land fraudulently re-registered in their names. Hence, the de-facto complainant has lodged the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.261 of 2023, for the offences under Sections 419, 420, 463, 465, 466, 468 and 471 of the I.P.C. against the petitioners. He further submitted that the third accused in this case passed away on 27.11.2020.

4. The case is still under the investigation. 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 19.11.2024, has been filed before this Court, which has been signed by the petitioners and the



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second respondent and also by their respective counsel. The petitioners 1 to 3 and 5 to 8 and the second respondent were also present in person before this Court and they were identified by Mr.S.Angalapandi, Special Sub-Inspector of Police, Thiruthangal Police Station, Virudhunagar District, 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.

6. In the instant case, the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 419, 420, 463, 465, 466, 468 and 471 of the I.P.C.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** 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



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the proceedings in Crime No.261 of 2023, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.261 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order.

18.12.2024

NCC : Yes / No
Index : Yes / No
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To

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



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M.NIRMAL KUMAR, J.

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Order made in
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