



Crl.O.P.(MD)No.20311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20311 of 2024

1.Ganapathy
2.Ramasamy
3.Periyasamy
4.Selvaraj
5.Sreenivasan

... Petitioners

Vs.

1.State Rep. by,
The Inspector of Police,
Land Grabbing Cell,
Pudukottai,
(Cr.No.34/2013)

2.Venkata Subramanian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.4 of 2020, on the file of the learned Judicial Magistrate No.II, Pudukkottai and quash the same.

For Petitioners : Mr.P.Samuel Gunasingh

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : Mr.V.Sukumar



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 of Criminal Procedure Code, seeking orders to call for the records in C.C.No.4 of 2020, on the file of the learned Judicial Magistrate No.II, Pudukkottai and quash the same.

2.The case of the prosecution is that the defacto complainant is the Vice President of Kiriya Babaji Yoga Sangam and the said Sangam was started in the year 1952 by one Dr.SAA Ramaiah, who is the President of the said Sangam and passed away on 12.07.2006. The properties situated at Survey Nos.368/3, 368/4, 368/6, 368/7, 368/10, 368/12 and 368/13 to an extent of 4 acre and 83 cents were purchased in the name of the Sangam and they were in possession of the same. While being so, the 1st petitioner, knowing that the properties in question belong to the Sangam, through an unregistered document obtained a possessory farming right from the 6th accused for the properties in question and he is in possession of the same without any legal right. Hence, the complaint has been registered against the petitioners.



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3.The learned counsel appearing for the petitioners would submit that the based on the complaint given by the 2nd respondent, the 1st respondent has registered the case in Crime No.34 of 2013 for the offences under Sections 467, 468, 471, 420 r/w 120(b) and 506(i) IPC. After investigation, the 1st respondent filed charge sheet before the learned Judicial Magistrate No.II, Pudukkottai and the same was taken on file as C.C.No.4 of 2020. Earlier, the 1st petitioner has filed a quash petition in Crl.O.P.(MD)No.15117 of 2020 before this Court, which has been dismissed, vide order dated 22.02.2024. Against which, the 1st petitioner has filed Special Leave Petition before the Hon'ble Supreme Court in S.L.P.No.5675 of 2024 and the same was also dismissed at the admission stage itself on 29.04.2024.

4.He would further submit that earlier, on wrong presumption, the 1st petitioner had obtained possessory right on the properties in question. Subsequently, the Sangam passed a resolution to sell the properties in question to the 1st petitioner and based on the same, the defacto complainant executed a sale deed in favour of the 1st petitioner and now, the issue between themselves has been settled. Therefore, based on the compromise, this 2nd quash petition has been filed.



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5.The learned counsel appearing for the 2nd respondent would submit that the 1st petitioner offered to purchase the properties in question for valuable sale consideration from the Sangam. Based on the same, a General Body Meeting was convened on 26.09.2024, where the members of the Sangam unanimously decided to sell the properties in question to the 1st petitioner and settle the dispute. Therefore, the 1st petitioner purchased the properties in question by paying valuable sale consideration from the Sangam through a registered sale deed dated 07.10.2024 vide Document No.4578 of 2024, which was registered in the office of the Sub Registrar, Thirumayam. In this regard, the 2nd respondent / defacto complainant has also filed an affidavit before this Court and he is not willing to pursue the case further as against the petitioners and he is agreeing to withdraw the complaint.

6.A Joint Memo of Compromise filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioners and the 2nd respondent are present before this Court and they are identified by Mr.G.Murugan, Special Sub Inspector of Police, District Crime Branch-II, Pudukkottai as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any



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compulsion.

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7.In the instant case, the dispute is of personal in nature and when the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 467, 468, 471, 420 r/w 120(b) and 506(i) IPC.

8.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.

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.4 of 2020 as against the petitioners pending before the Judicial Magistrate No.II, Pudukkottai District, even though the offences involved are not compoundable in nature.

10.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.4 of 2020 as against the petitioners pending before the



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Judicial Magistrate No.II, Pudukkottai District, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

29.11.2024

NCC : Yes / No
Index : Yes / No

Yuva

To

- 1.The Judicial Magistrate No.II,
Pudukkottai.
- 2.The Inspector of Police,
Land Grabbing Cell,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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