



CrI.O.P.No.31285 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.31285 of 2024 and

CrI.M.P.No.17803 of 2024

C.Deivakani @ Kanniyammal

... Petitioner

Vs.

1. State Rep. by

The Inspector of Police

Central Crime Branch - Team XVII A

Land Grabbing Prevention Special Cell

Chennai - 600 007

2. S.Rekchand

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to call for the records in C.C.No.5733 of 2023 pending on the file of the Metropolitan Magistrate Court for Trial of CCB& CBCID Cases, Egmore, Chennai and to quash the charges leveled against the petitioner/accused No.3.

For Petitioner : Mr.V.Ramamurthy

For 1st Respondent : Mr.S.Sugendran

Additional Public Prosecutor

For 2nd Respondent : M/s.M.Akila



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ORDER

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This Criminal Original Petition has been filed by the petitioner/accused to quash the charges leveled against the petitioner/accused No.3 in C.C.No.5733 of 2023 pending on the file of the Metropolitan Magistrate Court for Trial of CCB& CBCID Cases, Egmore, Chennai.

2. The learned counsel for the 2nd respondent/defacto complainant filed a counter affidavit stating that the matter is related to execution of settlement deed and in case, the petitioner gives undertaking to cancel the settlement deed, no criminal case is need to be proceeded against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has been arrayed as A3 in C.C.No.5733 of 2023 on the file of the Metropolitan Magistrate Court for Trial of CCB& CBCID Cases, Egmore, Chennai. There are totally five accused in this case and already A1, A2 and A4 died and therefore, the charges against them were abated. The 5th accused already moved before this Court in CrI.O.P.No.1541 of 2021 to quash the case against him



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and the same was allowed by order dated 27.03.2024. Now the petitioner alone

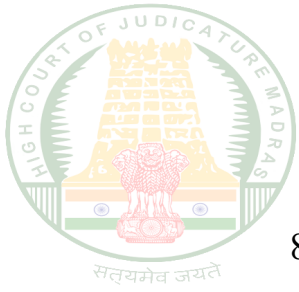
is accused in this case. He further submitted that the petitioner is ready to execute the cancellation of the said settlement deed and he has also filed an affidavit of undertaking to that effect.

4. Heard both sides and perused the materials available on record.

5. In this case, the offences involved are Sections 465, 467, 468, 471 read with Section 34 & 120(B) IPC which are purely private in nature and the dispute is between two private individuals.

6. Therefore, considering the affidavit filed by the petitioner and also the no objection given by the defacto complainant/2nd respondent in Paragraph No.7 of the counter affidavit, this Court is inclined to quash the charge against the petitioner.

7. Accordingly, the case against the petitioner in C.C.No.5733 of 2023 pending on the file of the Metropolitan Magistrate Court for Trial of CCB& CBCID Cases, Egmore, Chennai **is quashed.**



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8. The petitioner is directed to adhere to the undertaking given in the affidavit of undertaking within a period of one month from the date of receipt of a copy of this order, failing which, the defacto complainant/2nd respondent is at liberty to work out his remedy in the manner known to law.

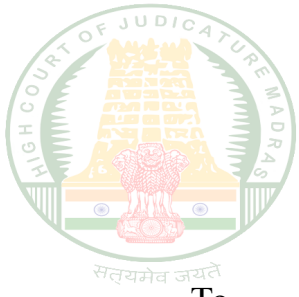
9. In case the petitioner approaches the Sub Registrar, Kodambakkam, Chennai, for executing the cancellation of settlement deed dated 20.03.2006 bearing Doc.No.1225 of 2006, the Sub Registrar is directed to entertain the document and register the same, if the document is otherwise in order and meets out the requirements under the Stamp Act.

10. With the above observations and directions, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

28.01.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ksa-2

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To

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1. The Metropolitan Magistrate Court for Trial of CCB& CBCID Cases
Egmore, Chennai

2. The Inspector of Police
Central Crime Branch - Team XVII A
Land Grabbing Prevention Special Cell
Chennai - 600 007

3. The Public Prosecutor
High Court of Madras

Copy To

The Sub Registrar,
Kodambakkam, Chennai



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P.VELMURUGAN. J.

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