

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.Nos.13249 to 13251 of 2015

R.Mooventhan ..Petitioner in Crl.O.P.No.13249 of 2015
P.Rajesh ..Petitioner in Crl.O.P.No.13250 of 2015
S.Premkumar ..Petitioner in Crl.O.P.No.13251 of 2015

Vs.

1.State by Inspector of Police,
Chit and Kanthuvatti Team,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai 600 001.
(Crime No.05/2015)

2.N.Gopalakrishnan ... Respondent in all petitions

Prayer in all Crl.O.Ps.:- Petitions have been filed under Section 482 of Cr.P.C. to call for the records in Crime No.05/2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.M.Jaikumar
For R1 : Mr.C.Emalias
Additional Public Prosecutor
For Defacto complainant : Mr.Arun Anbumani
for Mr.Arul Selvam Associates

C O M M O N O R D E R

It is seen that the complaint lodged by N.Gopalakrishnan, (Defacto complainant/second respondent herein) the first respondent police registered a case in Cr.No.5 of 2015 for the offences under Sections 406, 420, 465, 467, 468, 471 and 506(ii) of I.P.C. R/w Sections 3 & 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, against the petitioners herein.

2. It appears that the petitioners approached this Court for anticipatory bail in Crl.O.P.Nos.8770, 8771 and 10172 of 2015 and at that juncture, the defacto complainant strongly opposed to grant anticipatory bail to the petitioners. Therefore, the anticipatory bails were dismissed. After dismissal of the anticipatory bail applications, the petitioners and the defacto complainant/second respondent appears to have arrived at an amicable settlement by virtue of it. It is stated that the petitioners had alleged fraudulently, the sale deed was cancelled. Hence the petitioners have come forward to quash the prosecution in Cr.No.5 of 2015.

3. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor and the learned counsel for the defacto complainant.

4. Mr.Arun Anbumani, learned counsel for the defacto complainant submitted that he has filed an individual affidavit in each of the cases, in which, in paragraph-8, which is stated as follows:

8. I state that the said S.Premkumar, R.Mooventhan and P.Rajesh, have now filed the above quash petitions before this Court seeking to quash the FIR in Crime No.5 of 2015, pending on the file of the 1st respondent police. I have perused a True Copy of the Affidavits filed by S.Prekumar, R.Mooventhan and P.Rajesh in their quash petitions. I state that since the matter has been amicably settled, I have no objection to the prayer of S.Prekumar, R.Mooventhan and P.Rajesh to quash the FIR in Crime No.5 of 2015, pending on the file of the 1st respondent police.

5. Today, the defacto complainant is present before this Court and he has been identified by the Sub Inspector of Police, Central Crime Branch, Chennai, to assist the learned Additional Public Prosecutor. The petitioner/accused is also present before this Court.

6. In view of the relying upon the Judgment of the Hon'ble Supreme Court in CBI ACB Mumbai .vs. Nedrandra Lal Jain and Orissa in 2014 (3) SCALE, this Criminal Original Petition is allowed and the prosecution in Cr.No.5 of 2015 as against the petitioners herein in all the cases, is hereby quashed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd
To

- 1.The Inspector of Police,
Chit and Kanthuvatti Team,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai 600 001.
- 2.The Public Prosecutor,
High Court, Madras.

+ 5 copies to M/s. Arulselvam Associates, Advocate
SR.26323, 26324, & 26325

Cr1.O.P.Nos.13249 to 13251 of 2015

GJ(CO)
EU(02/07/2015)