

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.14796 of 2015

1.K.S.Murali
2.M/s.Urmila Enterprises Pvt., Ltd.,
Rep. by its Managing Director,
Vijay K.Sheth.
3.Vijay K.Sheth
4.Nandhani V.Shah ... Petitioners/Accused Nos.1,2,3&4

Vs

Prema Balasubramanian ... Respondent/Complainant.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.7475 of 2004 on the file of XI Metropolitan Magistrate, Saidapet, Chennai and quash the same as against the petitioners herein.

For Petitioners :Mr.S.Elambharathi

For Respondent :Mr.Kumar and Baskar

ORDER

Criminal Original Petition has been filed praying to call for the records in C.C.No.7475 of 2004 on the file of XI Metropolitan Magistrate, Saidapet, Chennai and quash the same as against the petitioners herein.

2.Heard the learned counsel for the petitioners and the learned counsel appearing for the respondent.

3.Mrs.Prema Balasubramanian, filed a private complaint before the XI Metropolitan Magistrate, Saidapet, Chennai against the petitioners herein, for alleged offences under Sections 406, 420 & 120B IPC. The Trial Court has taken the complaint on file as C.C.No.7475 of 2004 and issued process to the accused.

4.This petition has been filed by the accused to quash the proceedings in C.C.No.7475 of 2004 on the ground that the accused and the complainant have amicably settled all the issues.

5.Today Mrs.Prema Balasubramanian, the complainant herein is present and she has filed an affidavit before this Court, wherein, she has stated in paragraphs Nos.4, 5 and 6 as follows:

Para4:I state that while so, the petitioners came forward to settle the issues involved between us amicably. Thus, a Memorandum of Compromise was entered into on 30.04.2015 between me and the petitioners herein, where under myself and the petitioners have arrived at a compromise to put an end to all the issues involved between us. We have also mutually agreed to withdraw all the pending cases filed against each other.

Para5:I state that the petitioners have made a payment of Rs.10 lakhs to me towards all my claims by way of three installments. The last of the installment was by way of cheques dated 30.06.2015. I state that those cheques have also been encashed by me and as such I have no claim whatsoever against the petitioners except for the withdrawal of case filed by the first petitioner against me and others in O.S.No.4609 of 2004 pending on the file of the learned XV Assistant City Civil Court, Chennai.

Para6:I state that in view of the above amicable settlement, I have no interest to proceed further in the above prosecution initiated by me. As such, I have no objection for this Hon'ble Court to quash all further proceedings as against the petitioners herein in the above case in C.C.No.7475 of 2004 pending on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

6.In view of the above prosecution in C.C.No.7475 of 2004 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai is hereby quashed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

dn

To

- 1.The XI Metropolitan Magistrate,
Saidapet, Chennai.
- 2.-do-thro' The Chief Metropolitan Magistrate,
Egmore, Chennai - 8.

+1 cc to M/ss.Elambharathi, Advocate, sr.35563

+2 ccs to Mr.Kumar and Baskar, Advocates, sr.35651.

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