

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.15597 of 2015
and
M.P.Nos.1 and 2 of 2015

1.V.S.Sudharsanam
2.C.L.R.Thulasi Raman
3.S.Jayakumar

...Petitioners/Accused No.5

Vs

1.The state rep.by
The Inspector of police,
District Crime Branch,
Vellore, Vellore District.

2.M/s.Sri Ram Investments Limited
rep.by its branch head,
having office at,
II Floor, Land Mark Building,
No.20/B, I East Main Road,
Opp. VST Motors Limited,
Gandhi Ngar,
Vellore District.

...Respondents/Complainant
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.71 of 2006 pending on the file of the learned Judicial Magistrate No.III, Vellore, Vellore District and to quash the same.

For Petitioners : Mr.E.Kannadasan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor for R1

Mrt.T.Kathiravan for R2

ORDER

This petition has been filed to quash the proceedings in CC.No.71 of 2006 pending on the file of the learned Judicial Magistrate No.III, Vellore, Vellore District.

2.Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the 1st respondent and the learned counsel for the 2nd respondent and perused the materials placed on record.

3.On a complaint lodged by Sri Ram Investments Limited, the respondent Police registered a case in Crime No.6 of 2004 on 18.06.2004 for offence under Section 420 IPC against three accused. After completing the investigation, the respondent police filed a final report before the learned Judicial Magistrate No.III, Vellore, Vellore District, which was taken on file in CC.No.71 of 2006 and thereafter, it was transferred to the learned Judicial Magistrate No.II, Vellore and renumbered as CC.No.336 of 2007.

4.The crux of the allegation of the defacto complainant is that the accused borrowed vehicle loan by producing certain bogus documents and after availing the loan, they paid Rs.22,000/- only and a sum of Rs.1,87,600/- was due. During the pendency of the prosecution, the defacto complainant and the accused appear to have entered into a compromise and they have filed a joint compromise memo dated 25.06.2015 before this Court, which reads as follows:

"1.The 1st and 2nd petitioners and the respondent submit that both the petitioners and the 2nd respondent have arrived at an amicable settlement out of Court. In view of the amicable settlement, the 1st and 2nd petitioners agreed to pay for a sum of Rs.2,25,000/- (Rupees Two Lakhs Twenty Five Thousand only) to the 2nd respondent including the principal with interest and the 2nd respondent also agreed to receive the amount as arrived compromise and also give no objection to quash the criminal proceeding against the petitioners herein.

It is therefore prayed that this Hon'ble Court may be pleased to accept this joint compromise memo and pass necessary orders and thus render Justice."

5.Today, the defacto complainant is present before this Court. The petitioners herein have tendered a Demand Draft No.019367, dated 18.06.2015, drawn on Axis Bank Ltd, Vellore, for Rs.2,25,000/- in favour of Shriram Transport Finance Company Limited and the same has been accepted by the defacto complainant.

6.In view of the above, the prosecution in CC.No.336 of 2007 (Old No.CC.No.71 of 2006) pending on the file of the learned Judicial Magistrate No.II, Vellore, Vellore District, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate No.II,
Vellore, Vellore District.

2.-Do- Through The Chief Judicial Magistrate,
Vellore, Vellore District.

3.The Inspector of police,
District Crime Branch,
Vellore, Vellore District.

4.The Public Prosecutor,
High Court, Chennai.

1 CC to Mr.E.Kannadasan, Advocate SR.No. 34053

Cr1.OP.No.15597 of 2015
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UG (CO)

PSI (10.07.2015)

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