

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.16779 & 12956 of 2015 and
M.P.No.1 of 2015 in Crl.O.P.No.12956 of 2015

S.Singaravelu .. Petitioner in Crl.O.P.16779/2015
(A-2)
K.Kamalanathan ... Petitioner in Crl.O.P.12956/2015
(A-1)

Vs

1.State rep. By Inspector of Police,
District Crime Branch,
Nagapattinam,
(In Crime No.2 of 2013)

2.Empee Power and
Infrastructure Private Limited,
Rep. By its Chairman,
M.P.Purushothaman,
No.59, Harris Road,
Pudupet,
Chennai - 600 002.

... Respondents in both Crl.O.Ps
Complainant & Defacto Complainant

Common Prayer:- Criminal Original Petitions filed under Section 482
Cr.P.C., to call for the records in Crime No.2 of 2013 on the file
of the first respondent police and quash the same as against the
petitioners herein/accused 2 & 1.

For Petitioner
in both Crl.O.Ps :Mr.J.Franklin

For R.1 :Mr.C.Emalias,
in both Crl.O.Ps Additional Public Prosecutor

For R.2
in both Crl.O.Ps :Mr.Rajkumar

COMMON ORDER

Heard the learned counsel for the petitioners and the learned
Additional Public Prosecutor appearing for the first respondent.

2.On a complaint made by the second respondent, the first respondent registered a case in Crime No.2/2013 on 05.04.2013 against the petitioners/accused herein for offence under Sections 464, 468, 471 & 420 I.P.C.

3.During the course of investigation, it appears that the second respondent and the petitioners/accused have arrived at an amicable settlement and hence, the petitioners have come forward with this petition seeking for quashing the F.I.R.

4.Today, Ms.Veerathamanyaki, Inspector of Police, District Crime Branch, Nagapattinam is present. Mr.P.Raj representing the second respondent defacto complainant is also present before this Court and he has been identified by the said Inspector of Police.

5.Mr.Raj has filed an affidavit before this Court wherein, in paragraph Nos.6 & 7 it has been stated as follows:-

"6.It is stated that when the matter stands thus, the said K.Kamalanathan and Singaravelu approached for settlement for the disputes and arrived at a settlement and as per the said compromise MOU dated 19.08.2013 entered into that Mr.Kamalanathan, Mr.Singaraeu and one Mr.Sudagar should arrange an extent of 31.15 acres of land. In this 29.63 acres (out of 31.15 acres) of land was arranged and registered in favour of the company, and the remaining sum should be adjusted based on the arrangement of further proportionate extent of lands to the 2nd respondent and also the remaining extent of 1.52 acres in Keelayur Village, Sirkali Taluk to be arranged for registration of sale deed in favour of the company. Further by registration of rectification deed before sub registrar Seerkali document No.254 of 2014 the other men property has excluded from the sale deed document No.875 of 2009.

7.It is stated that from the above said compromise, the disputes as against the said Kamalanathan and Singaravelu have been settled and hence the 2nd respondent withdraw the complaint given as against the said Kamalanathan and Singaravelu the another person S.Elanchezhian died pending F.I.R., against him. In this regard the 2nd respondent has given a letter to the first respondent police on 03.12.2014 for withdrawing the complaint to that effect and requested not to take further action in the Crime No.2 of 2013 in view of compromise entered into between the parties. Further originally the complaint was lodged by

one Jacob Mani who was the authorized signatory of 2nd respondent company later on he resigned his job, hence on behalf of 2nd respondent company I have a letter to the first respondent police to withdraw the complaint and now filing affidavit to that effect before this Hon'ble Court.

It is therefore prayed that this Hon'ble Court may be pleased to record the above statement of fact and pass suitable orders in the above quash petition and thus render justice."

5.In view of the above, relying upon the judgment of the Hon'ble Supreme Court in Narinder Singh and other v. State of Punjab and another (2014 (6) SCC 466), the entire prosecution in Crime No.2 of 2013 is liable to be quashed.

6.In the result, the Criminal Original Petitions are allowed and the case in Crime No.2 of 2013 on the file of the first respondent police is quashed against all the accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

jbm

To

1.The Inspector of Police,
District Crime Branch,
Nagapattinam.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.J.Franklin, Advocate, sr.37335.

Cr1.OP Nos.16779 & 12956 of 2015

kk(co)
kra(11/08)