

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25157 of 2015
and MP.No.1 of 2015

1.K.Remavathy
2.K.Rekha
3.K.Amudha

...Petitioners/Accused

Vs

1.State rep. by its
Inspector of Police,
CCB, Vepery, Chennai-7.

2.C.Gomathi
Prop. of M/s.Clear Cut Abrasives
having office at No.8/12,
S.V.Chidambaram Salai,
Kattabomman Block,
Jafferkhanpet,
Chennai-83.

..Respondents/Complainant/
Defacto Complainant

Criminal Original Petition filed under Section 482
Cr.P.C., praying to call for the records in Cr.No.412 of 2014
on the file of the Inspector of Police, CCB, Vepery, Chennai-7
and quash the same.

For Petitioners : Mr.S.Jebadass Pandian

For Respondents : Mr.C.Emalias, APP [for R1]
: Mr.S.Ashok Kumar [for R2]

O R D E R

This petition has been filed to quash the FIR in Crime
No.412 of 2014 on the file of the 1st respondent.

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

3. On a complaint lodged by Gomathi [2nd respondent], the respondent police registered a case in Crime No.412 of 2014 on 08.10.2014 under Section 408, 420, 468, 471 r/w 120[B] IPC against the petitioners/accused herein, challenging which, the accused are before this Court for quashing the FIR, on the ground that they have amicably settled with the de facto complainant.

4. Today, C.Gomathi [de facto complainant] is present and she has filed an affidavit, wherein she has stated as follows:

"2. I respectfully submit that I am running a business in the name and style of M/s.Clear Cut Abrasives, for the past 12 years. In the said concern, 1st petitioner earlier worked as 'Account Assistant' and now she was terminated. At that the time of working, the 1st petitioner misappropriated funds for sum of Rs.32,50,250/- from my concern and transferred into the accounts of the 2nd and 3rd petitioners. When I came to my knowledge, I preferred a police complaint dated 08.10.2014 against the petitioners on the allegation of misappropriating funds of the proprietary concern and the same was registered in Cr.No.412 of 2014 for offence under section 408, 420, 468, 471 r/w 120-B IPC by Inspector of Police, CCB, Vepery, Chennai-7. After the receiving the said complaint, a case was registered against the petitioners.

3. I respectfully submit that the petitioners approached for settlement with regard above said criminal case and I agreed to receive a sum of Rs.33,00,000/- [Rupees Thirty Three Lakhs Only] as full and final settlement. Based on which settlement is arrived between the petitioners and myself and as such we jointly executed a Joint Memo of Compromise dated 14.09.2015 on certain terms and conditions. I crave leave of this Hon'ble Court to read the Joint Memo of Compromise dated 14.09.2015 as part and parcel of this affidavit for better understandings of the case.

4. In view of the above, I received the entire amount of Rs.33,00,000/- [Rupees Thirty Three Lakhs Only] from the petitioners as full and final settlement and I have no objection to quash the criminal proceedings registered against the petitioners in Cr.No.412 of 2014 on the file of the 1st respondent police."

5. In view of the above, this petition is allowed and

the FIR in Crime No.412 of 2014 on the file of the 1st respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

sd/
ASSISTANT REGISTRAR (CS-VII)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

gya

To

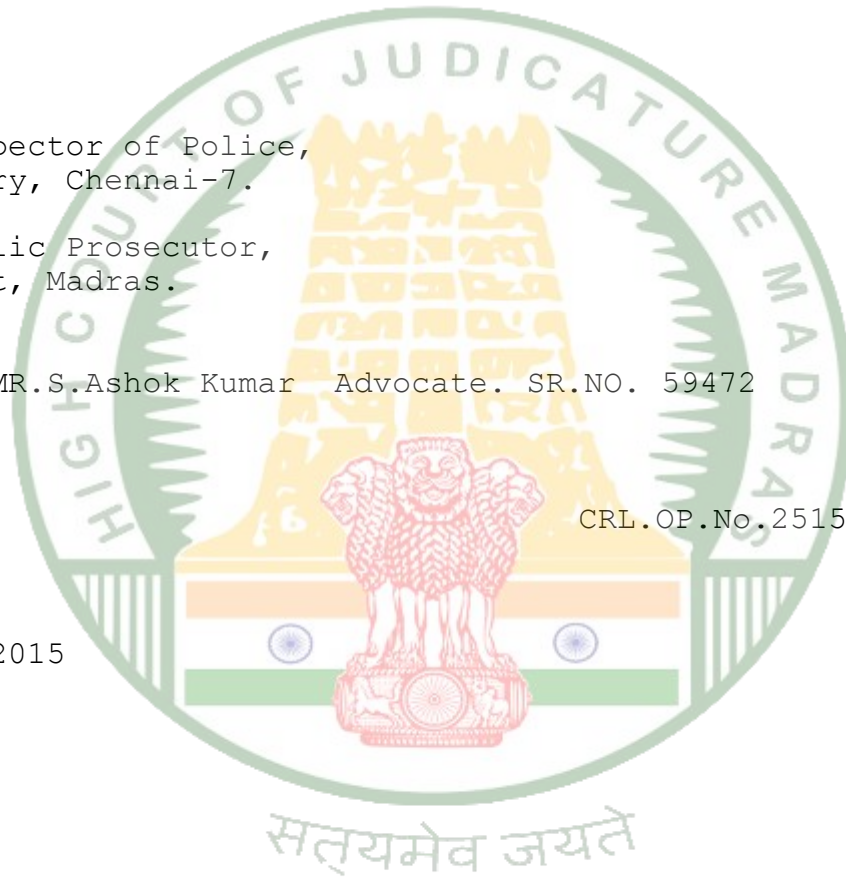
1.The Inspector of Police,
CCB, Vepery, Chennai-7.

2.The Public Prosecutor,
High Court, Madras.

+2 CC to MR.S.Ashok Kumar Advocate. SR.NO. 59472

CRL.OP.No.25157 of 2015

CO-PVR
JD 17/11/2015



WEB COPY