

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.30180 of 2015
and
M.P.Nos.1 & 2 of 2015

1.M/s.BBC Associates Limited,
Rep. by its Managing Director Mr.V.Ramiah,
No.15, Neelakanta Mehta Street,
T.Nagar, Chennai-600 017.

2.V.Ramiah,
3.V.Barath
4.V.Ananth

... Petitioners

Vs.

1.State rep by its Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008,
(Crime No.556 of 2011)

2.Y.Suri

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the case in C.C.No.1297 of 2012 pending on the file of the learned III Metropolitan Magistrate, George Town, Chennai and to quash the same.

For Petitioners : Mr.B.Kumar, Senior Counsel
for M/s.A.Abdul Hameed

For Respondents : Mr.C.Emalias, APP (For R1)
Mr.K.G.Senthil Kumar (For R2)

ORDER

This petition has been filed by the petitioner praying to quash the proceedings in C.C.No.1297 of 2012 pending on the file of the learned III Metropolitan Magistrate, George Town, Chennai.

2.The petitioners herein have been arrayed as accused in the said case. The case of the prosecution is that the 2nd respondent herein, along with his wife, approached the petitioners for purchase of six flat at Pophams Broadway, George Town, Chennai. After negotiation, six flats were sold by the petitioners to the 2nd respondent & his wife, by way of three sale deeds, registered as Doc.No.297/2003, dated 05.12.2003, Doc.No.305/2003, dated 12.12.2013 and Doc.No.4/2004 dated 02.01.2004, and the total sale consideration of Rs.1,20,51,243/- was paid to the petitioners by the 2nd respondent and his wife. The petitioners had handed over the letter of possession on 29.09.2005. Based on the said letter, when the 2nd respondent visited the flats, he came to know that out of the six flats, which were sold to the 2nd respondent and his wife, one flat had already been sold to one Mrs.Leela Devi on 12.04.2001 itself by registered Sale Deed vide Doc.No.112/2001 and with regard to the other five flats, a registered Agreement for sale came to be entered into by the petitioners vide Doc.Nos.232/2001, 236/2001, 237/2001, 239/2001 and 241/2001 on 13.07.2001 and 15.07.2001. Thus, the petitioners cheated the 2nd respondent and his wife. Hence, the 2nd respondent has lodged a complaint before the 1st respondent-police. On the basis of the complaint given by the 2nd respondent, the 1st respondent-Police registered a case in Crime No.556 of 2011 under Sections 406, 420, 465, 467, 468 & 471 IPC on 26.11.2011. After completion of investigation, the 1st respondent filed a final report before the learned III Metropolitan Magistrate, George Town, by altering the offences under Sections 120(b), 406, 420, 465, 467, 468 and 471 IPC and the same was taken on file in C.C.No.1297 of 2012.

3.Now, the petitioners have come forward with the present petition seeking to quash the criminal proceedings.

4.Today, when the matter is taken up for consideration, the learned counsel for the petitioners as well as the learned counsel for the 2nd respondent/defacto-complainant submitted that the matter has been amicably settled between the parties and that the 2nd respondent has no objection for quashing the impugned proceedings and to that effect, a Memorandum of Understanding entered into between the parties, dated 30.11.2011, has been filed by the petitioners. The Memorandum of Understanding filed by the petitioners is recorded.

5.Heard both sides and and perused the materials available on record.

6.Considering the facts and circumstances of the case and in view of the compromise arrived at between the parties, I am of the opinion that the criminal proceeding in C.C.No.1297 of 2012 pending on the file of the learned III Metropolitan Magistrate, Goerge Town, Chennai, is liable to be quashed and accordingly, the same is quashed. The The Memorandum of Understanding filed by the petitioners shall form part of the order.

In fine, the criminal original petition is allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The III Metropolitan Magistrate,
Goerge Town, Chennai.
2. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008
3. The Public Prosecutor,
Madras High Court, Madras.

+1cc to M/s.A.Abdul Hameed, Advocate, S.R.No.68530
+1cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.69107

Crl.O.P.No.30180 of 2015
and
M.P.Nos.1 & 2 of 2015

KGK(CO)
CA(25/01/2016)

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