

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.17121 of 2010
and M.P.No.1 of 2010

1.P.Meenakshi Sundaram
2.N.Sulochana ... Petitioners/Accused 1 & 2

vs.

1.State rep by
The Inspector of Police
Central Crime Branch
Coimbatore Town
Crime No.99 of 2010. ... 1st Respodnent/Complainant.

2.K.R.Duraiswamy ... 2nd Respondent/Defacto
Complainant.

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in Cr.No.99 of 2009 on the file
of the 1st respondent and quash the same.

For Petitioners : Mr.P.K.Rajagopal

For R1 : Mr.C.Emalias, APP

O R D E R

This petition has been filed to call for the records in
Cr.No.99 of 2009 on the file of the 1st respondent and quash the
same.

2. Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor appearing for the State.

3. It is seen that on the complaint lodged by the second
respondent, the first respondent registered a case in Cr.No.99
of 2009 on 26.11.2009 for an offence under Section 420 IPC
against the petitioners herein, challenging which the
petitioners are before this Court for quashing the FIR on the
ground that, they have amicably settled all the issues with the
defacto complainant.

4. The petitioners have filed a Memorandum of Understanding dated 23.02.2010, wherein, apart from stating other aspects, it is stated as follows:

"AND WHEREAS subsequent to the filing of the suit, the PARTY OF THE FIRST PART filed a police complaint on 26.11.2009 against the PARTIES OF THE SECOND PART before the City Crime Branch, Coimbatore which was registered in FIR No.99/2009 and alleged that the PARTIES OF THE SECOND PART had cheated the PARTY OF THE FIRST PART and did not ensure that the B schedule property was sold by the said Ramesh to the PARTY OF THE FIRST PART.

.....

6. The PARTY OF THE FIRST PART in furtherance to the consensus reached with the PARTIES OF THE SECOND PART, hereby withdraw his claim made in respect of the A schedule property and confirm that No.1 of the PARTY OF THE SECOND PART shall be the absolute owner of the A schedule property in pursuance to the Sale deed dated 05.03.2008 and henceforth is entitled to possess the said property without any interference or claim from the PARTY OF THE FIRST PART and by way of confirming the right of No.1 of PARTY OF THE SECOND PART over the A schedule property, the PARTY OF THE FIRST PART has signed relevant memo to withdraw the suit pending in O.S.No.407/2009 on the file of District Munsif, Coimbatore and also has signed the relevant papers for withdrawing the criminal complaint made against the PARTIES OF THE SECOND PART which has been registered in FIR No.99/2009 with the City Crime Branch, Coimbatore."

In view of the compromise arrived at between the parties, this petition is allowed and the FIR in Cr.No.99 of 2009 on the file of the 1st respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

gms

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Central Crime Branch
Coimbatore Town.

2.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.K.Rajagopal, Advocate SR 58970

bvr(co)
prk16/12

CrI.O.P.No.17121 of 2010



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