

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.11535 of 2016

and

CrIMP No.5863 of 2016

1.K.Vijaya

2.T.Murugan

... Petitioners/Accused 1 & 2

Vs

1.The Inspector of Police,  
Central Crime Branch Team-VII,  
Commissioner of Police,  
Chennai.

2.The Sub Inspector of Police,  
Central Crime Branch Team-VII,  
Commissioner of Police,  
Chennai.

... Respondents 1 & 2/complainant 1 & 2

3.A.M.Janani

... 3<sup>rd</sup> Respondent/Defacto Complainant.

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to FIR No.184 of 2015 dated 18.05.2015 on the file of the 2<sup>nd</sup> respondent and to quash the same against the petitioners.

For Petitioners

:Mr.I.Jesu

For Respondent  
No.1 & 2

:Mr.C.Emalias,  
Additional Public Prosecutor

For Respondent  
No.3

:Mr.R.Sasi Kumar,  
(Amicus Curiae)

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to FIR No.184 of 2015 dated 18.05.2015 on the file of the 2<sup>nd</sup> respondent and to quash the same against the petitioners.

2. Heard the learned counsel appearing for the petitioners, the learned Additional Public prosecutor appearing for the respondents 1 & 2 and the learned counsel Mr.R.Sasi Kumar (Amicus Curiae) appearing for the third respondent.

2. On the complaint lodged by one A.M.Janani, the respondents police registered a case in Crime No.184 of 2015 on 18.05.2015 against one K.Vijaya and T.Murugan for the offence under Sections 420, 465, 506(i) IPC and 3, 4 and 9 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. While so, K.Vijaya and T. Murugan filed a petition in CrI.O.P.No.12515 of 2015 for an anticipatory bail and the matter was referred to Mediation Centre, where, the parties appear to have arrived at a compromise, pursuant to which, this Court disposed of the petition on 09.07.2015, which reads as follows;

2. This Criminal Original Petition was referred for mediation to Tamil Nadu Mediation and Conciliation Centre, High Court, Madras.

3. A communication dated 20.06.2015 of the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, enclosing a copy of its report dated 19.06.2015 has been received, wherein it is stated as follows:-

"Both the parties appeared before the Centre along with their counsel. Matter has been settled between them as per the terms cited in the Mediation Agreement is enclosed. Hence the matter is sent back to the Hon'ble Court. "

4. As the parties have arrived at a settlement in terms of the Mediation Agreement, this petition is listed for passing of an order in terms of the said agreement.

5. The Mediation Agreement, signed by the parties and their respective counsel reads as follows:-

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The defacto complainant agrees to withdraw the complaint filed against the petitioner before the Inspector of Police, Central Crime Branch, 7th Team, Egmore, Chennai.

2. Both parties agree that they have no further claim against each other."

6. In terms of the settlement arrived at between the parties which is recorded under the Mediation Agreement between the parties in terms of the report dated 19.06.2015 from the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, this Criminal Original Petition is disposed of recording the terms of the Mediation Agreement. The terms of the Mediation Agreement and the report of the Mediation Centre shall form part of the order. Connected miscellaneous petition is closed."

In view of the above, K.Vijaya and T. Murugan have filed the present petition to quash FIR.

4. Today, when the matter is called, the third respondent, Mrs.A.M.Janani, is present. At the request of this Court, Mr.R.Sasi Kumar, learned counsel, acted as Amicus Curiae and took up her case pro bono.

5. Mr. A.M.Janani, stated that she has no objection for the FIR being quashed in toto. She has also filed an affidavit, wherein, it is stated as follows:

" 2. I respectfully submit that I am the defacto complainant in the above crime No.184 of 2015 pending before the respondent police as such I am well aware of the facts of the case.

3. I further submit that I gave a complaint before the first respondent police against one K.Vijaya and T.Murugan on 18.05.2015 for alleged offences under Sections 420, 465, 506(ii) of the IPC and Section 3,4 & 9 of the Tamil Nadu Prohibition of Charging Exorbitant Interests Act, 2003. I further submit that the petitioners have moved an anticipatory bail before this Hon'ble Court and the same was referred to mediation centre, in mediation centre both are appeared along with our counsels. The matter has been settled between us as per terms cited in this mediation agreement. Furthermore, I have no objection to quash the proceedings against these petitioner and I has conscious, there was no compulsion or coercion or under influence to filing this affidavit.

Therefore, I pray that this Hon'ble Court may be pleased to accept my affidavit and consider quashing the proceedings made in CrI.O.P.No.11535 of 2016 and thus rendering justice."

6. Recording the same, this criminal original petition is allowed and the FIR in Crime No.184 of 2015 dated 18.05.2015 on the file of the second respondent is hereby quashed. Consequently, connected Miscellaneous Petition is closed.  
sms

s/d-  
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,  
Central Crime Branch Team-VII,  
Commissioner of Police,  
Chennai.

2.The Sub Inspector of Police,  
Central Crime Branch Team-VII,  
Commissioner of Police,  
Chennai.

3.The Public Prosecutor,  
High Court, Chennai.

+ 1 cc to M/s.R.Sasikumar, Advocate SR 39078

+ 1 cc to Mr.I.Jesu, Advocate SR 39403

ug(co)  
prk4/8

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rI MP No.5863 of 2016

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