

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

CORAM

THE HONOURABLE MR. **JUSTICE R.MAHADEVAN**

Crl.O.P.No.12821 of 2016

1.V.Swamynathan
2.Sowmiya

... Petitioners

Vs

1.The State, rep. By
The Inspector of Police,
EDF-II, Team-III, CCB.,
Veppery, Chennai.

2.V.Krishnamoorthy

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records relating to Crime No.151 of 2015 on the file of
the EDF-II, Team-III, CCB., Veppery, Chennai, and quash the same.

For Petitioners : Mr.K.Gowthaman

For respondents : Mr.C.Emalias,
Addl. Public Prosecutor,
for R1
Mr.G.Muthuselvam,
for R2

ORDER

The present criminal original petition has been filed to call for the records relating to Crime No.151 of 2015 pending on the file of the EDF-II, Team-III, CCB., Veppery, Chennai, and quash the same.

2. Today, when the matter was taken up for consideration, the petitioners and the second respondent appeared before this Court and their identities were got verified. The learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent / de facto complainant represented that the dispute between the parties was amicably settled before the High Court Legal Services Committee, Chennai, and they arrived at a compromise as follows:-

TERMS OF SETTLEMENT

Crime No.151 of 2015 on the file of the EDF-II, Team-III, CCB., Veppery, Chennai, had been registered under Sections 406 and 420 I.P.C. read with 34 I.P.C.

2. It is a dispute between two brothers, today a receipt of Rs.7,00,000/- paid by cash. On 15.4.2016, a sum of Rs.1,00,000/- has been paid by hand and again

on a sum of Rs.2,00,000/- has been paid by way of Demand Draft No.000672. On 22.4.2016, a sum of Rs.2,00,000/- has been paid by way of cheque No.293671 and on 2.5.2016, a sum of Rs.2,00,000/- has been paid by way of Demand Draft No.324362. Totally, a sum of R.7,00,000/- paid to the de facto complainant alone is recorded, which the parties agreed towards full settlement with the case. The first respondent / Inspector of Police is also present.

3. The parties have to workout their remedies with respect to the finality of the nature case concerned in the procedure known to law.”

3. Further, the second respondent / de facto complainant has also filed an affidavit, wherein, he has stated as follows:-

“ 4. I submit that I and the first respondent / first accused have arrived at a mutual understanding to put an end for money dispute and have decided to settle the matter amicable between us out of court on payment of full and final settlement for the amount of Rs.7,00,000/- (Rupees seven lakhs only) as mentioned in schedule. I have received the said sum from the first respondent / first accused and I do hereby acknowledged the same in

the following manner:

S.No.	Date	Particulars Instrument	of	Mode	Amount
1	15.4.2016	By hand		Cash	Rs.1,00,000/-
2	15.4.2016	D.D.No.000672		DD	Rs.2,00,000/-
3	22.4.2016	Cheque No.293671		Cheque	Rs.2,00,000/-
4	2.5.2016	D.D.No.324362		DD	Rs.2,00,000/-

5. I submit that this money dispute arising out of the firm namely M/s.Delta Tech Engineering now has been ended upon receipt of Rs.7,00,000/- and this full and final settlement for Rs.7,00,000/- puts an end to all the claims between them. I have no any claim with respect to money from the same firm or in any manner. I do not have any other transaction pending between me and the first and second respondent.

6. I submit that further I undertake to relinquish all claims relating to the said transaction which has been settled out of court. In view of the present settlement between me and first and second respondent, I hereby declare that all money and other transactions allegedly

pending between us has been settled till date and there are no more transactions or dues between us.”

Thus, the learned counsel for the respective parties pleaded that recording the said terms of settlement and the averments made in the affidavit filed by the second respondent / de facto complainant, the proceedings pending in Crime No.151 of 2015 on the file of the EDF-II, Team-III, CCB., Veppery, Chennai, may be quashed.

3. In view of the same, recording the said terms of settlement, the proceedings pending in Crime No.151 of 2015 on the file of the EDF-II, Team-III, CCB., Veppery, Chennai, as against the petitioners are quashed and the criminal original petition is allowed.

05.01.2017

Index:Yes/No
sbi

To

1.The Inspector of Police,
EDF-II, Team-III, CCB.,
Veppery, Chennai.

2.The Public Prosecutor,
High Court, Madras.

R.MAHADEVAN, J

sbi

Crl.O.P.No.12821 of 2016

DATED: 5.1.2017

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