

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.13548 of 2016

1.M.R.Dhanalakshmi

2.Jagan @ N.Jagadish

3.V.Ramkumar

4.Sharmila

5.V.S.C.Mohanraj [died]

6.B.Jayakumar

... Petitioners

Vs

1.State rep by
The Sub Inspector of Police,
CCB, O/o.The Commissioner of Police,
Vepery, Chennai.

2.M/s.Pheroze Framroze and Co. Pvt. Ltd.,
Rep by its Branch Manager, S.Vidyasankara Narayanan,
No.17, First Floor, Kasi Arcade Building,
No.116, Sir Theagaraya Road,
T.Nagar, Chennai-17.

.... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the charge sheet laid by the respondent police in C.C.No.8079 of 2006 for the offence under Section 406 IPC, 420 IPC r/w Section 34 IPC pending on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai-8 and quash the same in view of the continuance of criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between all the parties.

For Petitioners : M/S S.Vidya Sankaranarayan for
Mr.R.Venkatesan

For 1st respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the proceedings in C.C.No.8079 of 2006 on the file of the learned Chief Metropolitan Magistrate Court, Egmore, Chennai.

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

3. On the complaint lodged by one Mahadevan, Branch Manager of M/s.Pheroze Framroze and Co. Pvt. Ltd., the 1st respondent police have registered a case in Crime No.687 of 2004 and after completing

the investigation, filed final report in C.C.No.8079 of 2006 against these accused for offence under Section 420 r/w 34 IPC. It is the case of the de facto complainant that the accused herein had to pay Rs.15,66,894/- towards business transaction and that they had issued some cheques, which were bounced. During the pendency of the prosecution, one M.R.Dhanalakshmi [A1] filed Crl.O.P.No.747 of 2016 before this Court challenging the prosecution in C.C.No.8079 of 2006, on the ground that the de facto complainant and the accused had arrived at a compromise.

4. This Court, by order dated 22.01.2016 in Crl.O.P.No.747 of 2016 quashed the prosecution in C.C.No.8079 of 2006. Despite which, the petitioners have filed the present quash application for once again quashing the prosecution.

5. Today, the de facto complainant Mr.S.Vidyasankara Narayanan representing M/s.Pheroze Framroze and Co. Pvt. Ltd. is present and he has been identified by Ms.R.Sumathi, Sub Inspector of Police, CCB, Chennai-7. It is seen that he has already filed a consent affidavit in Crl.O.P.No.747 of 2016. Pursuant to which, the prosecution was quashed.

6. In the light of the above, this petition is allowed and the entire prosecution as against all the accused in C.C.No.8079 of 2006 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai is hereby quashed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gya

To

1.The Chief Metropolitan Magistrate,
Egmore, Chennai.

2.The Sub Inspector of Police,
CCB, O/o.The Commissioner of Police,
Vepery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Venkatesan Advocate Sr.38383

CRL.OP.No.13548 of 2016

RV(CO)
RVR 05/08/2016