

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.3025 of 2015

and M.P.Nos.1 and 2 of 2015

1.Muthuramalingam
2.N.Mahesh
3.Maraignanam

... Petitioners

Vs

1.State, rep. by
The Inspector of Police,
J.4 Kotturpuram Police Station,
Chennai-85.

2.The Deputy Commissioner of Police,
Mylapore District,
Mylapore, Chennai.

3.S.Selvaraj

4.The Inspector of Police,
EDR-2, Team IV,
Chennai Central Crime Branch,
Chennai-7.

... Respondents

(4th respondent impleaded as per order
dated 5.8.2015 made in M.P.No.4 of
2015.)

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in connection with FIR No.1732 of 2014
dated 30.7.2014 on the file of the first respondent and quash
the same.

For Petitioners	:	Mrs.Bhavani Subbarayan, for M/s.Royan Law Associates
For respondents	:	Mr.C.Emalias, Addl.Public Prosecutor, for R.1, R.2 and R.4 M/s.S.Shamini, for R.3

ORDER

The present criminal original petition has been filed to call for the records in connection with FIR No.1732 of 2014 dated 30.7.2014 pending on the file of the first respondent and quash the same.

2. On the basis of the complaint given by the third respondent as against the petitioners herein, a case was registered by the first respondent police in Crime No.1732 of 2014 for the alleged offence punishable under Sections 406, 420 and 506(i) I.P.C.

3. The case of the third respondent is that he is a native of Keelaiyur Village, Melur Taluk, Madurai District. He was in the cine field from the year 1982 to 2010. Since he could not succeed in the cine field, he decided to switch over to some other business. At that time, he was introduced to the Managing Director of M/s.Devinarayan Granite Limited and the petitioners 2 and 3 and they informed him to do the business of sub-lease of granite quarry. The third respondent informed them that he did not have any experience in the field of granite quarry. However, they informed him that they would take care of him and buy granite from him for a good price. Thus, the third respondent was made to invest a sum of Rs.18,00,000/- as deposit and entered into a sale agreement and raising contract agreement with the said M/s.Devinarayan Granite Limited and started to quarry the granite. Initially, the said company bought granite from the third respondent at a cheaper rate. Hence, the third respondent requested them to give market price. However, they threatened him with dire consequences and demanded to supply only to them and they never allowed him to supply granite to any other company for better prices. Further, the second petitioner supplied low quality of machineries to the third respondent to quarry the granite. That apart, the second petitioner and others were making huge profit from their export buyers and informed the third respondent to invest more money to get better gain. Thus, the third respondent was constrained to spend huge sum to the tune of Rs.32,00,000/- from time to time. Further, when the third respondent was quarrying the granite on 12.4.2014, the petitioners herein along with their men, threatened him that they would kill him by using locals persons. Hence, the third respondent lodged a complaint with the first respondent police and the same was registered in Crime No.1732 of 2014 for the alleged offence punishable under Sections 406, 420 and 506(i) I.P.C. To quash the said proceedings, the petitioners have come up with the present petition.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioners and the learned counsel appearing for the third respondent / de facto complainant represented that both the parties have entered into a compromise and as per the compromise, the third respondent agreed to receive a sum of Rs.7,00,000/- from the petitioners as full and final settlement. Further, they have stated that the petitioners have handed over a demand draft No.360766 dated 29.12.2015 for a sum of Rs.7,00,000/- drawn on Bank of India, Chennai Overseas Branch in favour of the third respondent and the third respondent has also received the same and acknowledged the receipt of the same. They have also filed a joint memo to that effect. Further, the third respondent / de facto complainant has also filed an affidavit stating that he has no objection to quash the FIR in Crime No.1732 of 2014 pending on the file of the first respondent police.

5. Heard the learned Additional Public Prosecutor.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. Considering the facts and circumstances of the case and considering the fact that since the petitioners and the third respondent have amicably settled the dispute by entering into a compromise, I am of the opinion that the complaint in FIR No.1732 of 2014 pending on the file of the first respondent could be quashed since the possibility of conviction will be remote and bleak. Further, it is unnecessary to drag on the proceedings of the present case which would cause great oppression and prejudice and extreme injustice to the petitioners, if the FIR is not quashed.

8. In fine, the complaint in FIR No.1732 of 2014 pending on the file of the first respondent is quashed in so far as the petitioners are concerned and the criminal original petition is allowed. Consequently, connected miscellaneous petitions are closed.

sd/-
Assistant Registrar (Cs-V)

/TRUE COPY/

Sub-Assistant Registrar

sbi

To

1.The Inspector of Police,
J.4 Kotturpuram Police Station,
Chennai-85.

2.The Deputy Commissioner of Police,
Mylapore District,
Mylapore, Chennai.

3.The Inspector of Police,
EDR-2, Team IV,
Chennai Central Crime Branch,
Chennai-7.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.Royan Law Associates Advocate. SR.NO.1453

+1 cc to M/s.Royan Law Associates, Advocate,SR.4011(6/5/16)

Crl.O.P.No.3025 of 2015

CO-AK
JD 28/01/2016



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