

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.19708 of 2016

1 N.V. Baabu
2 N.K. Rajendran
3 Muthiah
4 R. Saravanan
5 D. Kumar
6 Varalakshmi Babu

Petitioners/Accused

vs.

1 The Sub-Inspector of Police
CCB IX A Team, Vepery
Chennai - 7

Ist Respondent/Complainant

2 A. Sridevi

3 A.S. Madulikaa

4 A.S. Malavika

Respondents 2 to 4/Lrs of
Defacto Complainant

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records and quash the FIR in Crime
No.235 of 2014 on the file of the first respondent police.

For petitioners Mr. N. Anand Venkatesh
For R1 Mr. C. Emalias
Addl. Public Prosecutor
For RR 2 to 4 Mr. T.T. Ravichandran

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ORDER

This Criminal Original Petition has been filed seeking to
call for the records and quash the FIR in Crime No.235 of 2014
on the file of the first respondent police.

2 On the complaint lodged by one Abinesha Babu, the first
respondent police registered a case in Crime No.235 of 2014 on
08.05.2014 under Sections 406 and 420 read with Section 120-B

IPC against the petitioners herein for quashing which the petitioners are before this Court on the ground that they have arrived at an amicable settlement with the private respondents.

3 The learned Additional Public Prosecutor appearing for the first respondent submitted that the de facto complainant Abinesha Babu has died and he is being represented by A. Sridevi, wife of the deceased and A.S. Madulikaa and A.S. Malavika, daughters of the deceased.

4 Today, Mr. E. Kanagaraj, Inspector of Police, Team IV, CCB and A.Sridevi, the second respondent herein, are present before this Court.

5 The learned counsel for the petitioners and the learned counsel for the private respondents submitted that the dispute between the parties was referred to the Sole Arbitrator and a compromise award has been passed by Justice K.P.Sivasubramaniam (Retd.), Sole Arbitrator, under which the parties have agreed to have the prosecution quashed.

6 A. Sridevi has filed an affidavit, wherein, at paragraph no.3, it has been stated as under:

"3. I state that an arbitral dispute was raised in A.F. No.65 of 2013 before the Hon'ble Mr. Justice K.P. Sivasubramaniam and in the said Arbitration, the respondents 2 to 4 herein are claimants. The 1st petitioner herein is the 2nd respondent in the above arbitration and his company Sri Kanchi Steels (P) Ltd., the first respondent. The above arbitration proceedings a compromise memo was filed between the parties on 05.07.2016 and accordingly in terms of the compromise memo an arbitration award was passed on 06.07.2016. In the above arbitral proceedings, we have agreed to withdraw Crime No.235 of 2014 pending on the file of the first respondent. In view of the abovesaid compromise there would be no necessity to prosecute the petitioners abovenamed."

7 In view of the above, F.I.R. No.235 of 2014 on the file of the first respondent police as against all the accused is hereby quashed.

Resultantly, this Criminal Original Petition is allowed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

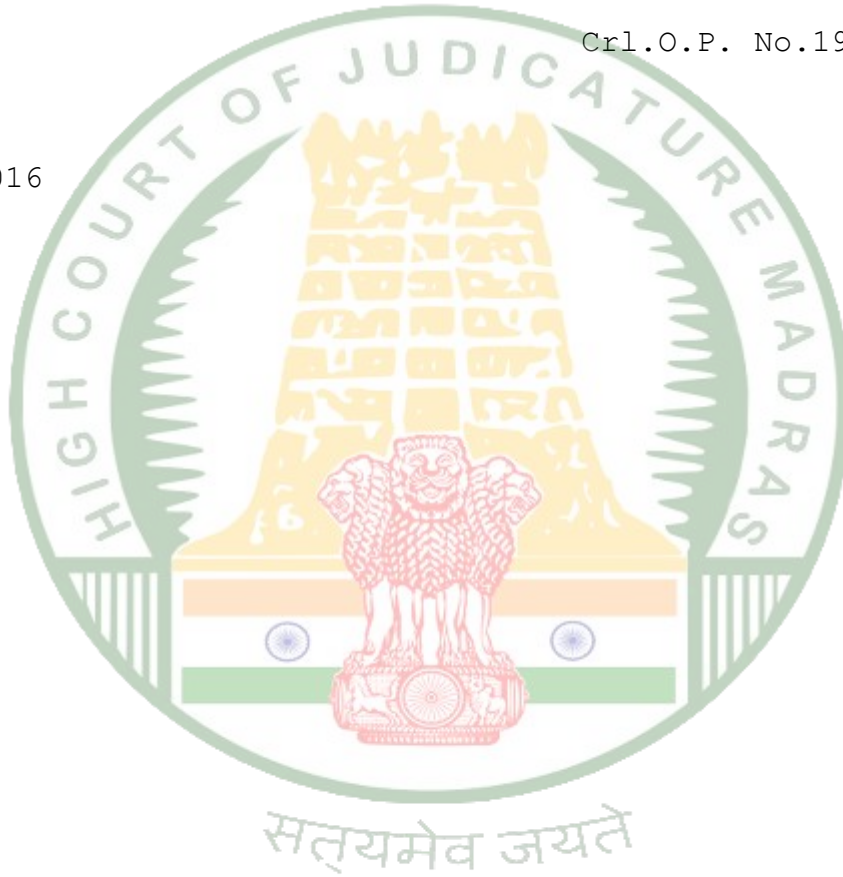
1 The Sub-Inspector of Police
CCB IX A Team, Vepery
Chennai - 7

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1 cc to Mr.N.Anand Venkatesh Advocate sr 50333

Cr1.O.P. No.19708 of 2016

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