

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.25020 of 2016
and
CrI.MP.1214 of 2016

T.R.Pachamuthu @ Parivendhar ... Petitioner/Accused

Vs.

1. The State
Rep. by Sub Inspector of Police
G-1, Vepery Police Station,
Chennai-600 007.
2. The State Rep. by
Inspector of Police
Central Crime Branch,
Chennai-600 007. ... R1 & R2/Complainant
3. Mohankumar ... 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to call for the records and quash the complaint/FIR registered in Crime No.941/2016 on the file of 2nd respondent.

For Petitioner : Mr.V.Venkatesan

For R1 & R2 : Mr.C. Emalias
Additional Public Prosecutor

For R3 : Mr.Hasan Mohamed Jinnah

WEB COPY
O R D E R

This criminal original petition has been filed to call for the records and quash the complaint/FIR registered in Crime No.941/2016 on the file of the 2nd respondent.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the State and the learned counsel for the de facto complainant.

3. Today, Mr.Vijayaraman, Assistant Commissioner of Police, CCB and Mr.F.Naseruddin, Sub-Inspector of Police, CCB, Chennai are present before this Court. T.R.Pachamuthu, is also present before this Court.

4. On the complaint lodged by Mohan Kumar, the respondent police registered a case in Crime No.941/2016 on 30.09.2016 for offences under Sections 294(b) & 506(i) IPC against T.R.Pachamuthu, challenging which T.R.Pachamuthu is before this Court for quashing the prosecution on the ground that the parties have arrived at a compromise.

5. Mr.Hasan Mohammed Jinnah, learned counsel has entered appearance for Mohan Kumar.

6. Now, it appears that the de-facto complainant and the accused have arrived at a compromise under which, they also entered into a memorandum of understanding.

7. Mohan Kumar/de-facto complainant, who was present before this Court on 17.11.2016 has filed an affidavit through his counsel, wherein, it is stated as follows in para nos.4 & 5:-

"I further submit that I delivered all the original title deeds namely (1) Sale Deed in favour of Valliammal Society in respect of Survey No.157 of Potheri Village measuring zero acre 0.90 ninety cents vide Document No.3561/1998, (2) Sale Deed 10.11.1998 in favour of Valliammai Society in respect of Survey No.176/1 of Potheri Village measuring One acre 1.03 three cents vide Document No.3558/1998, (3) Sale Deed in favour of Mr.T.R.Patchamuthu (party of the other part) in respect of Survey No.12/3, Block No.4 of Venkatapuram Village measuring 2640 square feet vide Document No.1337/1995, (4) Sale Deed in favour of S.R.M.Housing Development Ltd., Rep. by T.R.Pachamuthu in respect of Survey No.426/1 & 2 of Pallavaram Village measuring 12540 square feet vide Document No.2358/1997 and (5) Sale Deed in favour of SRM Housing Development Ltd., Rep. by Mr.T.R.Pachamuthu in respect of Survey No.426/1 & 2 of Pallavaram Village measuring 12000 square feet vide Document No.2340/1997 and original promissory notes and original cheques signed by the petitioner. I undertake to withdraw the criminal complaint in Crime No.941/2016 pending on the file of

2nd respondent as per the settlement entered into between myself and the petitioner. I am signing / executing this affidavit on my own volition without any extraneous pressure, under influence or coercion by any one. The photo copy of demand draft is also enclosed herewith.

I submit that in view of the above said amicable compromise arrived between myself and the petitioner and having received the disputed amount of Rs.70,00,000/- (Rupees Seventy Lakhs Only) to my fullest satisfaction and delivered the original title deeds and other documents to the petitioner. I do not want / wish to pursue the criminal complaint registered in Crime No.941/2016 any further and I have absolutely no objection in quashing the first information report in Crime No.941/2016. "

In view of the above, this petition is allowed and the FIR in Crime No.941/2016 is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

1. The Sub Inspector of Police
G-1, Vepery Police Station,
Chennai-600 007.

2. The Inspector of Police
Central Crime Branch,
Chennai-600 007.

3. The Public Prosecutor,
High Court, Madras.

+2cc's to Mr.V.Venkatesan, Advocate, S.R.No.69296

CrI.O.P.No.25020 of 2016

PVS(CO)
CA(22/12/2016)