

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.26207 of 2016
and
Crl.MP.No.13036 of 2016

1.J.Kalpana
2.Balachandar
3.Ravi Chandru

...Petitioners/Accused 1 to 3

Vs

1.State rep. By its
the Inspector of Police,
Central Crime Branch,
(EDF-I) Team -II,
Vepery, Chennai - 7.

2.A.Palkani

...Respondents/Complainant/
Defacto Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records comprised in FIR registered in Crime No.166 of 2016 pending on the file of Inspector of Police, Central Crime Branch EDF-I, Team -II, Vepery, Chennai and quash the same.

For Petitioners : Mr.Vimal B. Crimson
For R1 : Mr.C.Emalias, APP

ORDER

This petition has been filed to call for the records pertaining to FIR in Crime No.166 of 2016 on the file of the first respondent and quash the same.

2. Today, the petitioners/A1 to A3 and the second respondent / defacto complainant along with the learned counsel for the petitioners are present. They have submitted that the dispute between them was amicably settled and they have filed a joint compromise affidavit dated 19.12.2016, to that effect. When this Court also enquired the parties particularly, the second respondent/defacto complainant about the factum of the compromise and the terms of the compromise, they admitted the same.

3. The terms of the said joint compromise affidavit read thus:

"1. We state that the alleged case of the prosecution is that the petitioner / Accused 1, 2 and 3, all joined together and fabricated the invoices and syphoned the money and further, the accused 1 started a separate company like the complainant company and diverted the orders to accused 1 company and thus cheated to the tune of Rs.37,00,000/-, hence the complainant preferred complaint before the respondent where they registered an FIR for the alleged offences under Sections 407, 420 r/w 34 IPC in Crime No.166 of 2016 dated 21.06.2016.

2. We submit before this Hon'ble Court that the nature of the complaint is cheating and breach of trust and during the course of investigation and subsequent to the arrest, we arrived to settle the issue amicably and therefore, the actual claim of the complainant has been settled by the accused 1, 2 and 3.

3. The complainant and accused 1 and 2 amicably settled the issue between themselves and to that effect now filed this present joint affidavit before this Hon'ble Court to quash the FIR in Crime No.166 of 2016 pending on the file of the Inspector of Police, Central Crime Branch (EDF-I) Team -II, Vepery, Chennai -7.

4. We submit that the complainant and accused 1, 2, and 3, don't want to persuade the present criminal case pending in Crime No.166/2016 on the file of the Inspector of Police, Central Crime Branch (EDF-I) Team-II, Vepery, Chennai -7, hence this present joint affidavit filed to compound the offence against the accused 1, 2 and 3.

5. We state that now the complainant and the accused herein forget all the past and bitter incidents happened either side and also to the society our colleagues and our family members advised and suggested us to settle the issues between us amicably for the future interest and not to persuade the case against both therefore we arrived to compound the case pending in Crime No.166/2016 on the file of the Inspector of police, Central crime Branch (EDF-I) Team II, Vepery, Chennai -7.

6. We respectfully submit before this Hon'ble court that it may be pleased to record this present joint compromise affidavit and compound the alleged offences under sections 407, 420 IPC r/w 34 IPC and quash the FIR pending in Crime No.166 of 2016 on the file of the Inspector of Police, Central Crime Branch (EDF-I) Team -II, Vepery, Chennai -7 in the interest of justice.

Hence, it is therefore prayed before this Hon'ble Court that it may be pleased to consider this Joint affidavit filed by the petitioners and respondent and permit the complainant and accused 1, 2 and 3 to compound the alleged offence under sections 407, 420 r/w 34 IPC in Crime No.166 of 2016 and quash the FIR pending in Crime No.166 of 2016 on the file of the Inspector of Police, Central Crime Branch (EDF-I) Team -II Vepery, Chennai -7."

4. In view of the above, this Criminal Original Petition is allowed and the FIR in Crime No.166 of 2016 pending on the file of Inspector of Police, Central Crime Branch EDF-I, Team -II, Vepery, Chennai is quashed. The joint compromise affidavit dated 19.12.2016 filed by the parties, is taken on record. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rk
To

1. The Inspector of Police,
Central Crime Branch EDF-I,
Team -II, Vepery, Chennai.
2. The Public Prosecutor, High Court,
Madras - 104.

+lcc to Mr.Vimal B. Crimson, Advocate, S.R.No.73893

AK(CO)
Rs(23/01/2017)

Cr1.O.P.No.26207 of 2016