

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.9533 of 2016

1 Habib Abdul Latif
2 Moheen Abdul Latif

Petitioners

Vs

1 State by Inspector of Police
Crime, Inspector of Police
E8 Kelambakkam Police Station
Crime No.706/2009

2 D. Ramesh

Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in Crime No.706/2009 on the file of the Inspector of Police, Crime, E8 Kelambakkam Police Station and quash the same.

For petitioners Mr. R. Gopinath

For R1 Mr. C. Emalias
Addl. Public Prosecutor

For R2 Mr. A. Kumaraguru &
Mr. M.P. Saravanan

O R D E R

This petition has been filed to call for the records pertaining to the case in Crime No.706/2009 on the file of the Inspector of Police, Crime, E8 Kelambakkam Police Station for offences under Section 417, 420, 463, 465 and 506 IPC and quash the same.

2 The petitioners, the first respondent, viz., Mr.A.Govindaraj, Inspector of Police, E8, Kelambakkam Police Station and the de facto complainant, viz., the second respondent are present. The second respondent is identified by the first respondent police.

3 The parties have entered into a memorandum of compromise wherein, it is stated as follows in paragraphs (iv) to (viii):

"iv In pursuance of the earlier memorandum of understanding dated 23.03.2015, the entire issue is settled and the terms of the understanding were achieved by the parties and the registrations of the property were completed in

terms of the said understanding and the civil suits were closed and other suits are withdrawn.

v The first party along with the representative of the second party approached the police, Kelambakkam and submitted a written request to close the case as the first party is not any more diligent to continue with the case. A copy of the same was also sent by Speed Post to the police, Kelambakkam. The first party has shown their willingness to submit any statement on oath before the police.

vi The second party has filed a Criminal OP No.9355 of 2016 on the file of the Hon'ble of Madras and the same is pending. The present MOU is to reiterate the terms of the previous MOU dated 21.03.2015 and further reiterate that the first party is agreeable to seek a quash of the criminal proceedings pending before the Police, Kelambakkam in FIR No.706 of 2009.

vii Both parties have full right/power and legal authority to enter into this understanding and perform all such obligations, duties and assurances that are required to be preformed under this agreement.

viii This Memorandum of Understanding when executed and delivered by the first party and second party will be legal, valid and shall have binding obligations on the first party and second party will be enforceable in accordance with its terms for any breach.

In witness whereof, the parties hereto of this agreement sign and adopt this agreement as the operating agreement cum memorandum of understanding on the date, year and month aforementioned."

In view of the above, this petition is allowed and the prosecution in Crime No. 706 of 2009 pending on the file of the first respondent police is hereby quashed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

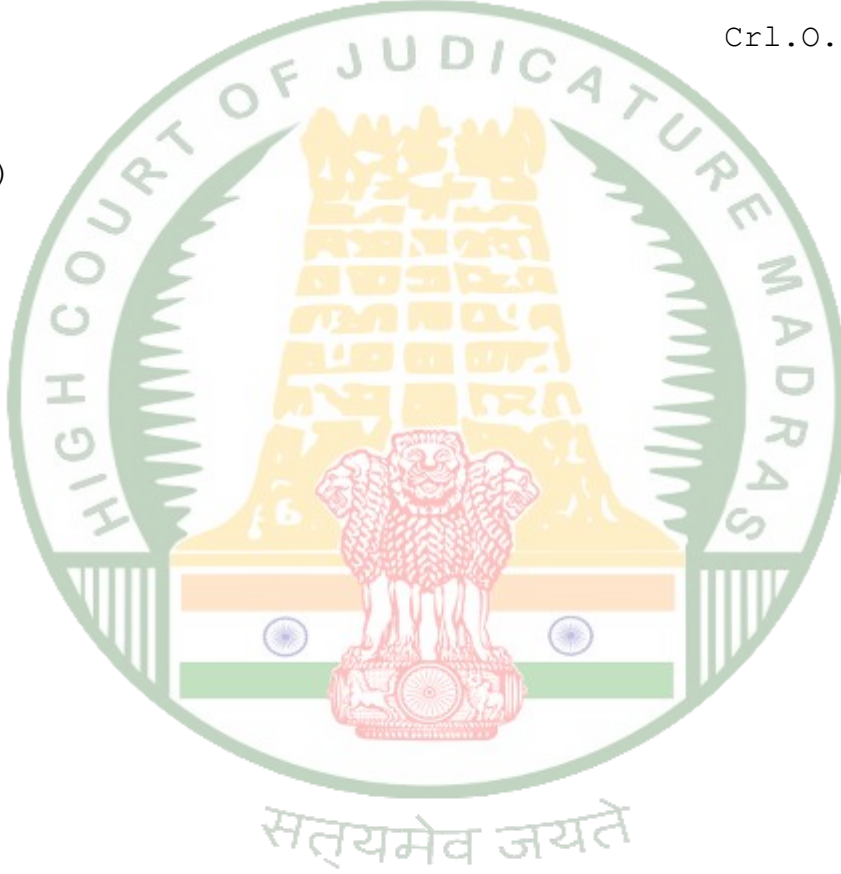
1 The Inspector of Police
Crime, Inspector of Police
E8 Kelambakkam Police Station
Crime No.706/2009

2. The Public Prosecutor
High Court, Madras

1 cc to M/s.R. Gopinath, Advocate, Sr. 31386

Crl.O.P.No.9533 of 2016

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