

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4101 of 2017

K.K.Jagadish

... Petitioner/Accused

Vs

State by:

1.The Inspector of Police,
J-13,Taramani Police Station,
Chennai 600 020. ... 1st Respondent/Complainant

2.CADS Software India (Pvt.) Ltd.
Rep. By Robins J.J.Willing ton
Type 11/5, Dr.VSI Estate,
Rajiv Gandhi Salai,
Tiruvanmiyur, Chennai 600 041.
... 2nd Respondent/Defacto Complainant

Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records and quash the first information report registered by the first respondent in Crime No.288 of 2016.

For Petitioners : Mr.M.Aravind Subramaniam
For Respondent-1 : Mr.C.Emalias,
Addl. Public Prosecutor
For Respondent-2 : Mr.V.V.Sivakumar

ORDER

The present criminal original petition has been filed by the petitioner seeking to quash the first information in Crime No.288 of 2016 pending on the file of the first respondent.

2. A complaint has been lodged by the defacto complainant/ the second respondent herein on 02.03.2016 before the first respondent police against the petitioner and a case

came to be registered for an offence under Sections 408, 465, 468 & 471 of IPC and to quash the FIR, the petitioner has filed the present quash petition.

3. After registration of the complaint, the petitioner has also filed Crl.O.P.No.3879 of 2016 seeking anticipatory bail before this Court, and this Court, taking into the facts and circumstances of the case had referred the matter to Tamil Nadu Mediation and Conciliation Center, High Court, Madras and before Mediation the parties have arrived at the settlement. The terms of the Mediation agreement reads as under:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows;

1.Today the petitioner handed over a Demand Draft dated 04.01.2017 bearing No.509327 for an amount of Rs.16,29,835/-(Rupees Sixteen Lakhs Twenty Nine Thousand Eight Hundred and Thirty Five only) [being the proceeds of the Fixed Deposit No.000114318397 in ICICI Bank Teynampet, Chennai with accrued interest as on 04.01.2017] in the name of the company namely the Defacto Complainant [CADS Software India Pvt.Ltd.,] and the same is acknowledged by the defacto complainant.

2.Defacto complainant has no objection for the petitioner moving for a quash proceedings on the FIR in Crime No.288 of 2016.

3.Defacto complainant agreed to encash the above demand draft after the orders being passed by the Hon'ble High Court in the quash proceedings.

4.Defacto complainant/company hands over the letter of regret to Mr.Jagadish today and the same is acknowledged by the petitioner.

5.The petitioner does not have letter heads or seal of the company.

6.The Defacto complainant agreed to withdraw all the allegations levelled against the petitioner in the notice dated 18.12.2015, after the process mentioned in the clause 2 and 3 are over.

7.The Defacto complainant/company agrees not to publish the above issues.

8.This agreed settlement is arrived at without prejudice to any further legal rights of the parties beyond whatever agreed herein above."

4. Heard the learned counsel for the parties and perused the materials placed before me. Today when the matter is taken up for hearing, learned counsel for the defacto complainant had also agreed that that he had received the demand draft and he is not willing to proceed with the case.

5. Taking into consideration the fact that the parties have already arrived at the settlement before the Mediation and Conciliation Center and the dispute had been settled, no useful purpose would be served by proceeding with the case. Considering the submissions made and in order to meet the ends of justice, the proceedings in Crime No.288 of 2016 is hereby quashed. The present criminal original petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
J-13,Taramani Police Station,
Chennai 600 020.

2.The Public Prosecutor, High Court, Madras.

+lcc to Mr.Aravind Subramaniam, Advocate, S.R.No.13135

+lcc to Mr.V.V..Sivakumar, Advocate, S.R.No.13136

(CO)

md(/02/2017)

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