

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.10485 of 2017

Mrs.Leela Devi

..Petitioner / Accused No.1

Vs.

1. State

Rep. By Inspector of Police,
Central Crime Branch,
EDF III, Vepery, Chennai - 7
(X Crime No.55 of 2015 dt.16.04.2015)

2. Mrs.Prema,

W/o.Mr.Sivasubramaniam,
No.7, A Block,
1st Floor, Ashok Flats,
10th Avenue, Ashok Nagar,
Chennai - 600 083

.. Respondents / Complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C. seeking the relief to call for the records and quash the F.I.R in X.Cr.No.55 of 2015 pending on the file of the 1st respondent police for offences under Sections 406, 409, 418, 423 read with 120 B and 506 (ii) IPC as against the petitioner.

For Petitioner : Mr.M.Anandaraj

For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor

For R2 : Mr.Rajeeva Prakash

WEB COPY
O R D E R

This petition been filed seeking to quash the FIR in X.Cr.No.55 of 2015, pending on the file of the Inspector of Police, CCB (EDF III), Chennai 7.

2. Pending Criminal Original Petition, the defacto complainant and the petitioner have amicably resolved the dispute among themselves and accordingly, they have entered into a compromise and filed an affidavit, dated 03.11.2017 before this Court.

personally present before this Court and they have been identified by their counsel on record. The counsel for the parties have submitted the photo copies of the parties in respect of Aadhar Cards and Pan Cards viz., Prema - Aadhar No.8873 3661 4014; Leela Kishore Reddy - Aadhar No.2559 7267 9215 and after verification of the original cards, the same were also recorded.

4. An affidavit dated 03.11.2017 has been filed by both the defacto complainant as well as petitioner to the effect that the defacto complainant has no objection, if the present Criminal Original Petition is allowed. The said affidavit is extracted here under:-

"AFFIDAVIT OF 2ND RESPONDENT / DEFACTO
COMPLAINANT

I, Mrs. Prema, W/o.Mr.Sivasubramanian, aged about 60 years, residing at No.7, A Block, 1st Floor, Ashok Flats, 10th Avenue, Ashok Nagar, Chennai 600 083 do hereby solemnly affirm and sincerely state as follows:-

1 I am Defacto complainant in the above crime Mo.55 of 2015 for commission of offences under section 406, 409, 418, 423, 120-B and 506[ii] IPC pending on the file 1st respondent Police. I submit that a compromise had been reached between the petitioner, her father Mr.E.V.Perumalsamy Reddiar & her brother Mr.E.V.P.Santhosha Reddy and myself in respect of the subject matter of dispute pertaining to the property situated in S.NO.331/2, 340/2, 336/2, 333/2, 336/1B, 337/1, 337/2, totally measurement an extent of 16 Acres 68 cents at Kolapakkam Village, Sriperumbudur Taluk, Kancheepuram District.

2 The parties hereto, viz., the petitioner and I have also recorded a joint compromise memo in civil suits filed against each other in OS.No.265 and 266 of 2006, on the file of District Munsif, Tambaram, renumbered as OS.No.382 & 383 of 2010 and suits in OS.NO.326 & 328 of 2008 on the file of Chengalpet District Court and renumbered as OS.No.160 & 164 of 2010. The LAOP No.3 of 2011 pending before the Hon'ble Sub Judge, Kancheepuram and all the above four suits which were transferred to and pending on the file of the Principal District Court, Kancheepuram have ended in compromise and stand disposed of in terms of compromise memo

filed by the parties including myself.

3 By this Affidavit I swear that the subject matter of dispute between the above said parties and me have been settled amicably out of Court without any coercion or undue influence of third party and I have no objection to allowed the quash petition on the basis fo the compromise arrived by the parties.

4 Hence I respectfully pray that this Hon'ble Court may be pleased to accept my compromise affidavit and quash the FIR in X.Cr.No.55 of 2015 on the file of 1st respondent in the interest of justice and equity."

5. In view of the above submissions made on either side and taking into account the compromise entered into between the parties, the proceedings in C.C.No.55 of 2015 on the file of the Inspector of Police, CCB (EDF III), Chennai 7 is hereby quashed.

6. The affidavit, dated 03.11.2017 filed by the defacto complainant/Mrs.Prema, is hereby recorded and the same shall form part of the order. The Criminal Original Petition is allowed.

Xerox Copy of Affidavit of 2nd respondent dated 03.11.2017 attached.

Sd/-
Assistant Registrar (CS II)

// True Copy//

सत्यमेव जयते
Sub Assistant Registrar

rka/rpl

To

1.The Inspector of Police,
CCB (EDF III),
Chennai - 600 007

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Anandaraj, Advocate SR.No.78057

Cr1.O.P.No.10485 of 2015