

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.O.P.No.23198 of 2014
and
M.P.No.1 of 2014

Dr.Sujai Anand Reddy ..Petitioner /Accused
Vs.

1.State through
The Deputy Commissioner of Police
Central Crime Branch
Egmore, Chennai-600 008 ... RR1 & 2/Complainant

2.The Inspector of Police
Central Crime Branch - Team XVI
Egmore, Chennai-600 008

3.S.Ethis Gupta .. Respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records in Crime.No.339 of 2013 now pending investigation on the file of the 2nd respondent police and quash the same in so far as it relate to the petitioner.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents: Mr.Mohammed Riyaz
Govt.Advocate (Crl.side) For R1 and 2

Mr.S.Ethees Gupta, party in person
for R3

O R D E R

This petition seeks quash of proceedings in case pending in Crime.No. 339 of 2013 on the file of the 2nd respondent registered for offences u/s. 385,465,468,471,420 and 506(i) r/w 120(b) IPC.

2. Learned counsel for petitioner submits that case has

been registered on the complaint of the 3rd respondent who in capacity as treasurer of society had been party to registration of a sale deed as also rectification deed. Such person subsequently had preferred the complaint.

3. Though 3rd respondent/defacto complainant/ party in person vehemently opposes the present petition seeking quash. This despite the fact his affidavit dated 24.04.2017 informs a compromise and settlement and reads as follows:

"1. I am the 3rd respondent/defacto complainant herein and I am fully acquainted with the facts of the case and I am competent to swear this affidavit.

2. I am the erstwhile treasurer of the "Addepalli Kandaswamy Chetty and Chenchu Venkatesubbu Guruvajamma Charities Association." In respect of a civil dispute I had given a complaint against 1. Umamaheshwari, 2. K.C. Soundrapandian, 3. M/s. Orchid Foundation Pvt., Ltd., represented by its Director V.Balasubramanian, 4. Venkat Swaroop Reddy, 5. Srinivasan and others before preferring the complaint I had not obtained the approval and the authorization of the association.

3. since I had a personal dispute regarding recovery of money with the above said Mrs. Uma Maheshwari I had in a hasty manner on wrong advice preferred a complaint against the above mentioned persons under the impression that they would settle the dispute with me. Now due to the intervention and mediation by common friends and well wishers my dispute with M/s. Orchid Foundations Private Limited and others, has been amicably settled and I have compromised and settled the matter with the above said persons and no useful purpose will be served in continuing with the further investigation and continuation of the case. I have no grievance against M/s. Orchid Foundations Private Limited's director, Swaroop Reddy or against Dr.Sujai Anand Reddy the petitioner herein. Therefore by letter dated 25.03.2013 I have withdrawn the complaint in Crime No.339 of 2013 pending on the file of the Inspector of Police, Central Crime Branch Team-XVI, vepery, Chennai-600 007.

It is therefore pray that his Honourable court may be pleased to pass appropriate orders as this Hon'ble Court deem fit to the circumstances of the case and thus render justice."

The 3rd respondent cannot be permitted to use this Court as a tool to serve his personal ends. Acting on the affidavit of the 3rd respondent dated 24.04.2017, this Court quashes further proceedings in case registered in Crime No.339 of 2013 for offences u/s. 385,465,468,471,420 and 506(i) r/w 120(b) I.P.C on the file of the 2nd respondent. Accordingly, the criminal original petition is allowed.

The affidavit filed by the 3rd respondent dated 24.04.2017 shall form part of the records. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kpr

To

1.The Deputy Commissioner of Police
Central Crime Branch
Egmore, Chennai-600 008

2.The Inspector of Police
Central Crime Branch - Team XVI
Egmore, Chennai-600 008

3.The Public Prosecutor
High Court, Madras

+1cc to Mr.R.Ganesh Kumar, Advocate, S.R.No.24949

WEB COPY

CrI.O.P.No.23198 of 2014

RV(CO)
GN(16/11/2017)