

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Crl.O.P No.24285 of 2011
and
M.P.Nos.1 and 2 of 2011

Dilip Kumar

... Petitioner

vs.

1.The State rep. by the
Sub Inspector of Police,
Central Crime Branch/IV-A,
Egmore,
Chennai -600 008.

2.Harjit Singh Anand,
Director,
Softgel Health Care Private Ltd.,
No.18, Dr.Nair Road, T.Nagar,
Chennai - 600 017.

.... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and to quash the proceedings as against the petitioner in C.C.No.3934 of 2011 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.AL.Ganthimathi

For Respondents : B.Ramesh Babu (for R1)
Government Advocate (Crl.Side)

Mr.V.G.Suresh Kumar (for R2)

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JUDGMENT

The petitioner has filed the instant Criminal Original Petition to quash C.C.No.3934 of 2011 on the file of the learned XIth Metropolitan Magistrate, Saidapet Chennai. The petitioner is the 2nd accused in the above C.C.No.3934 of 2011. The factual backdrop of the case is that the 2nd accused/petitioner and the

defacto complainant/2nd respondent herein were engaged in the business of paramedical products such that the 2nd respondent is the manufacturer of paramedical product and the petitioner was a dealer.

2. According to the defacto complainant /2nd respondent the petitioner herein along with the 1st accused namely Sushil Kumar were supplied with paramedical products on the basis of order placed by them. However, for the products supplied by the 2nd respondent herein amount was not paid by the petitioner as well as the 1st accused. When the amount due was demanded, the defacto complainant/2nd respondent was abused in a filthy language with dire consequence. The petitioner herein and Al remained non reachable by the defacto complainant. Only thereupon the defacto complainant found that they were cheated by the petitioner and Sushil Kumar by false promise made by the petitioner and Sushil Kumar, therefore the above complaint came to be lodged before the 1st respondent police and after investigation the final report came to be filed under section 420 r/w 34 of IPC as against the petitioner herein and said Sushil Kumar, the 2nd and 1st accused respectively. The said final report dated 06.06.2011 was taken on file by the learned 11th Metropolitan Magistrate, Saidapet. Challenging the said final report, the 2nd accused/petitioner herein is before this court claiming charged against him as false, untenable and prosecution against him would be an abuse of process of law.

3. When the matter was taken up today on 17.04.2017, this court noticed that already a joint compromise memo is being filed jointly by the defacto complainant/2nd respondent, and the petitioner herein/2nd accused in complaint submitting that the money dispute between them was amicably settled and the issue was put an end. A supporting affidavit is also filed by the director of the defacto complainant to that effect.

4. I heard Mr. AL. Ganthimathi, learned counsel for the petitioner, Mr. B. Ramesh Babu, learned Government Advocate (Criminal Side) for the 1st respondent and Mr. V. G. Suresh Kumar, learned counsel for the 2nd respondent and perused the materials available on record.

5. In view of the amicable settlement arrived between the

parties there would be no useful purpose in continuing with criminal prosecution in C.C.No.3934 of 2011. The defacto complainant's counsel has also submitted that the amount due was settled in full and accordingly submits no objection to quash the above C.C.No.3934 of 2011.

6.In view of the facts above, this Criminal Original Petition is allowed and the final report in C.C.No.3934 of 2011 is hereby quashed. The joint memo of compromise filed by the petitioner/accused No.2 and the defacto-complainant/2nd respondent herein dated 15.04.2016 will form part and partial of this order.

(Memo Compromise xerox copy enclosed)

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

The XI Metropolitan Magistrate,
Saidapet, Chennai.

+1cc to M/s.AL.Gandhimathi, Advocate Sr.No.23444

Cr1.O.P No.24285 of 2011
and
M.P.Nos.1 and 2 of 2011

CSL/08.11.2018

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