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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH
CRL.O.P. (MD)No.21281 of 2016

and

CRL.M.P.Nos.10913 and 10914 of 2016

1.M.Andrews Navamani

2.S.Balaganesan : Petitioners/Accused No.1 and 2
Vs.

1.The State rep. by
the Inspector of Police
City Crime Branch,
Tirunelveli City,
Tirunelveli District
Crime NO.25 of 2014 :1st Respondent/Complainant

2.R.Karthikeyan :2nd Respondent/Defacto Complainant

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the final report as made in C.C.No.372 of 2016 on the file of the learned Judicial Magistrate, NO.I, Tirunelveli, Tirunelveli District in connection with Crime No.25 of 2014 on the file of the Inspector of Police, City Crime Branch, Tirunelveli District and quash the same as devoid of merits and illegal.

For Petitioners	:	Mr.Palanivelayutham
For Respondents	:	Mr.K.Anbarasan for R1 Government Advocate (Crl. side) Mr.A.Haja Mohideen for R2

O R D E R

Today, Ms.T.Rajeswari, Sub Inspector of Police, City Crime Branch, Tirunelveli City is present before this Court.

2. On the complaint lodged by Karthikeyan/2nd respondent, the respondent police registered a case in Crime No.25/2014 on 08.08.2014 and after completing the investigation has filed a chargesheet in C.C.No.372/2016 before the Judicial Magistrate, NO.I, Tirunelveli against Andrews Navamani (A1) and Balaganesan (A2) under Sections 120(B) and 406 IPC, challenging which, this quash application has been filed by A1 and A2.

3. Heard Mr.S.Palanivelayutham, learned counsel for the petitioners, the learned Government Advocate (Crl. side) for the respondent police and Mr.A.Haja Mohideen, learned counsel for the de-facto complainant.



4. When this Court was about to dismiss the case on merits, at that juncture, Mr.S.Palanivelayutham submitted that Andrews Navamani is willing to settle the matter amicably with Karthikeyan by giving Rs.12,50,000/-.

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5. Andrews Navamani and Karthikeyan have filed a joint memo of compromise, in which, it is stated as follows:

"c) The petitioners and the defacto complainant entered into compromise among themselves in the out of Court and they decided to resolve the said issue on the following terms and conditions.

i. The petitioner herein has to pay a sum of Rs.12,50,000/- (Rupees twelve lakhs and fifty thousand only) a sum of Rs.50,000/- is drawn on Tamil Nadu Mercantile Bank, 159 Valliyoor Branch, vide No.359522 dated 06.06.2017, a sum of Rs.1,00,000/- (Rupees one lakh only) drawn on Tamil Nadu Mercantile Bank, vide No.359521 dated 06.06.2017, a sum of Rs.7,50,000/- (Rupees Seven lakhs and fifty thousand only) drawn on Tamil Nadu Mercantile Bank, vide No.556944 dated 04.05.2017 in toto by means of D.D. Is a sum of Rs.9,00,000/-. The remaining amount of Rs.3,50,000/- by means of cash on this 20th day of June, 2017.

ii. On receiving the said amount, the 2nd respondent is prepared to give no objection for handing over the documents which is lying as prosecution exhibits in C.C.No.372 of 2016 and the petitioner has to get it from the Court concerned by filing appropriate application. The following of the documents.

a. Sale deed bearing No.3768/1995 dated 07.10.1995 between T.P.S.H.Sriramset and one Somasundaram.

b. Sale deed bearing No.124/1999 dated 02.03.1999 between Somasundaram and K.V.Rajendran

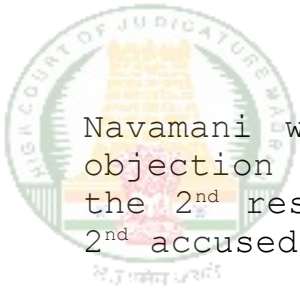
c. Document NO.2491/2003 dated 31.10.2003 between Andrews Navamani and Somasundaram @ Sundar through his power agent namely, K.V.Rajendran.

d. Memorandum of understanding bearing Document No.21555 dated 01.12.2005 between the petitioner and the 2nd respondent after the final adjudication in this issue as against one Balaganesan who has been arrayed as A2 in the above said case.

e. Second memorandum of understanding between the petitioner and the 2nd respondent vide document No.23861 dated 15.09.2005 after the final adjudication in this issue as against one Balaganesan who has been arrayed as A2 in the above said case. All the above documents are registered on the file of the Sub Registrar, Tirunelveli.

f. The said amount is full and final settlement and hereafter there has been no claim as against each other and the 2nd respondent has moral responsibility for getting their documents as stated supra from the court concerned.

<https://hcservices.ecourt.in/hcservices/> The 2nd respondent has no objection to quash the above proceeding pending on the file of the learned Judicial Magistrate, No.I, Tirunelveli as C.C.No.372 of 2016 as against only Mr.Andrews



Navamani who is the 1st petitioner/1st accused herein and the no objection is only on the ground of compromise and not on merit and the 2nd respondent is proceeding the criminal case as against the 2nd accused Balaganesan."

5. In view of the above, the prosecution as against Andrews Navamani in C.C.No.372/2016 before the Judicial Magistrate, No.I, Tirunelveli, is alone quashed and the trial shall proceed as against Balaganesan. The trial Court is directed to expeditiously complete the trial in C.C.No.372/2016.

6. With the above direction, this petition is partly allowed. Consequently, connected Miscellaneous Petitions are closed.

Sd /-

ASSISTANT REGISTRAR (RECORDS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

Joint compromise memo xerox copies are enclosed

1.The Judicial Magistrate, No.I
Tirunelveli

2.The Inspector of Police
City Crime Branch,
Tirunelveli City,
Tirunelveli District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.S.PALANI VELAYUTHAM, ADVOCATE, SR NO.61488

+1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE, SR NO.61335

RR

MAS/KP/SAR3:06.07.2017:3P-6C

Order made in
CRL.O.P. (MD) No.21281 of 2016
and Crl.M.P.Nos.10913 and 10914 of 2016
20.06.2017