



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2017

WEB COPY

CORAM:
THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.22879 of 2016
and Crl.M.P.(MD) No.12006 of 2016

1. Sakthisubramanian @ Satheesh
2. Sundari
3. Vibulananth ... Petitioners/A1 to A3

Vs.

1. The State rep. by
The Inspector of Police,
Alwarkuruchi Police Station,
Tirunelveli District.
(Crime No.177 of 2016) ... 1st Respondent/Complainant
2. Subramanian ... Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records of the proceedings in Crime No.177 of 2016 on the file of the 1st respondent and Quash the same against the petitioners herein.

For Petitioner : Mr.P.T.Ramesh Raja
For R1 : Mr.A.P.Balasubramani
Govt. Advocate (Crl.side)
For R2 : Mr.S.Sundara Pandian

O R D E R

This petition has been filed seeking to call for the records of the proceedings in Crime No.177 of 2016 on the file of the 1st respondent and quash the same against the petitioners herein.

2. On the complaint lodged by the 2nd respondent, the 1st respondent police registered a case in Crime No.177 of 2016 on 23.10.2016 under Sections 420, 294(b) and 506(2) IPC against Sakthi Subramanian and others, challenging which, the accused filed the present quash petition and the matter was referred to the Mediation Centre, where the parties have arrived at a settlement, terms of which are as under:

"Crl.M.P. (MD) No.22879 of 2016

Both the Petitioner P1 - Sakthisubramanian @ Satheesh, P3-Vbulananth and the Respondent/Defacto Complainant Subramanian are today present before the Mediation Centre.



Both the parties arrived at a amicable settlement before the Mediation centre as:

1. The Petitioners agreed to pay a sum of Rs.4,50,000/- (Rupees four lakhs and fifty thousand only) to the Respondent/Defacto Complainant and the same is accepted by the Respondent/Defacto Complainant.

2. The Petitioners already deposited a sum of Rs.3,50,000/- (Rupees three lakh fifty thousand) before the Judicial Magistrate Court, Ambasamudram on the file of the Inspector of Police, Alwarkuruchi Police Station, Tirunelveli District (Crime No.177 of 2016) while obtaining anticipatory bail.

3. Out of the above said agreed amount of Rs.4,50,000/- the Petitioners here agreed to withdraw the above said deposited amount of Rs.3,50,000/- by the Respondent/Defacto Complainant Subramanian and the remaining amount of Rs.1,00,000/- (Rupees one lakh only) is paid to the Respondent/Defacto complainant by way of Demand Draft No.006874, SBI, Alwarkurichi, before the Mediation centre, today.

4. There will be no further claims or demand between the both parties.

In view of the above said settlement the case is settled."

3. The allegation in the FIR is that the accused had taken money from the defacto complainant on the promise of getting a job and thereafter, neither got a job nor returned the money. This is not the case where there is an allegation of forgery or fabrication of public records.

4. Therefore, in view of the settlement arrived at by the parties, the proceedings in Crime No.177 of 2016 are hereby quashed. The defacto complainant will be entitled to withdraw the sum of Rs.3,50,000/- that has been deposited before the learned Judicial Magistrate, Ambasamudram without notice to the accused and without furnishing any security.



5. In the result, this petition is ordered according. Consequently, connected miscellaneous petition is closed.

SD
ASST REGISTRAR (CRL SIDE)

TRUE COPY

SUB ASST REGISTRAR

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Note: Registry is directed to send a copy of this order to the learned Judicial Magistrate, Ambasamudram. Issue order copy on 24.04.2017.

To:

1. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM,
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
ALWARKURUCHI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

1CC TO MR. S. SUNDERAPANDIAN, ADVOCATE SR: 53183

JM/SKN RSK/SAR 3/24.04.2017/3P/6C

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