

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.20014 of 2018

Crl.M.P.No.10661 of 2018

1. Ashraf Ali
2. Jayakumar
3. Kasim
4. Abdul Khadar
5. Vijayan
6. Suresh

... Petitioners

Vs

1. State Represented by
The Inspector of Police
EDF-I, Team-II
C.C.B, Vepery
Chennai 600 007.

2. Karsan Narayanan Patel

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.B Crime No.228 of 2018 on the file of the respondent police and to quash the same.

For Petitioners : Mr.C.Ravichandran
For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in C.C.B Crime No.228 of 2018 on the file of the respondent police and quash the same.

2. On the complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.228 of 2018 on 02.06.2018 under sections 420, 506(i) and 34 IPC against the petitioners herein, for quashing which, this application has been filed on the ground that the parties have arrived at a compromise.

3. A reading of the FIR shows that the accused had collected monies from the de facto complainant on the promise of getting him a loan of Rs.10 crores. During the pendency of the investigation, the accused had repaid the amounts and have settled with the de facto complainant.

4. Today, the de facto complainant is present and he has been identified by Mr.S.Mahendran, Sub-Inspector of Police, CCB, Chennai. The de facto complainant has filed an affidavit dated 13.07.2018, wherein, he has stated as follows:

1. I am the Defacto Complainant herein and as such I am well aware of the facts and circumstances of the case.
2. I humbly submit that I have lodged a complaint with the Respondent/Police against the Petitioners/Accused herein, who had cheated me. Pursuant to my complaint, a case was registered in X.Crime No.228 of 2018 by the Respondent on 21.05.2018 and one of the accused Mr. Vijayakumar was arrested on 09.06.2018 and he was released on bail on 13.06.2018 by the trial Court.
3. I humbly submit that in the meantime, the accused herein had entered into Memorandum of understanding on 11.06.2018 with me regarding repayment of my money and accordingly they all settled the entire amounts as per the Memorandum of understanding dated 11.06.2018 amounts due to me and in this regard, I gave full and final settlement letter to them on 04.07.2018 and I have no objection to quash the above Crime No.288 of 2018 against the Petitioners/Accused 1-5.

I therefore humbly pray that this Hon'ble Court may be pleased to record my No OBJECTION to quash the X.Crime No.228 of 2018 pending on the file of respondent police and thus render justice."

In view of the above, this petition is allowed and the prosecution in Cr.No.228 of 2018 is quashed against all the accused. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

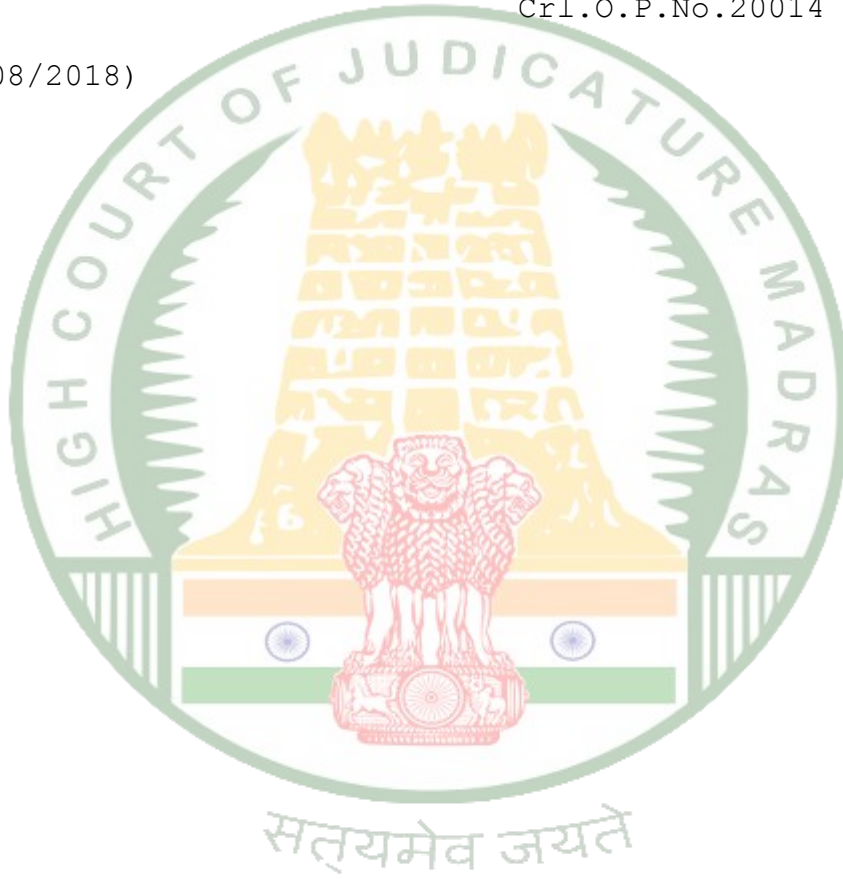
1. The Inspector of Police
EDF-I, Team-II
C.C.B, Vepery
Chennai 600 007.

2. The Public Prosecutor,
High Court, Madras.

+3 cc to Mr.C.RAVICHANDRAN Advocate SR.NO. 57456

Crl.O.P.No.20014 of 2018

NM(CO)
ASK(27/08/2018)



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