

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20592 of 2018

Periyakaruppan

... Petitioner

Vs

1.State represented by
the Inspector of Police
Central Crime Branch-I,
EDF Wing,
Vepery, Chennai-600 007
(Crime No.253/2018)

2.M/s.Chettinad Builders Pvt. Ltd.,
Rep. By its Director Mr.Arunachalam AL
Having Office at
No.603, 4th Floor, Anna Salai,
Rani Seetha Hall,
Chennai-600 002.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to permit the petitioner to compound the offences in
Crime No.253 of 2018 on the file of the first respondent and
quash the same as against the petitioner.

For Petitioner :Mr.R.Vivekananthan

For R1 :Mrs.M.Prabhavathi, APP

For R2 :Mr.K.Gopinath

ORDER

It is the case of the petitioner that on the complaint
lodged by the second respondent, the first respondent have
registered a case on 16.06.2018, in Crime No.253 of 2018 for
the offences under Sections 408, 420, 477A, 109 and 120B of IPC
against eight accused, for quashing which, the accused/A6 has
preferred the Criminal Original Petition

2 Today, the de facto complainant and the accused are present before this Court and they are identified by Mr. S.Janakiraman, Inspector of Police, CCB, EDF-I, TEAM-2, Vepery, Chennai, who is also present before this Court.

3 The de facto complainant has filed an affidavit, wherein, at paragraph Nos.3, 4 and 5, he has stated as under:

"3. I further submit that the Company and Rajamani Muthuganesan have agreed to enter into the compromise and thereby willing to resolve the disputes between them and agreed to put quietus to all the issues, in view of the amicable settlement, a Memorandum of Understanding dated 10.08.2018 entered between us and I am the signatory to the MOU dated 10.8.2018 on behalf of the Company by way of a Board Resolution dated 06.08.2018.

4. I state that since Mr.Rajamani Muthuganesan had complied his part as per the Memorandum of Understanding dated 10.08.2018. Hence, the Company in-order to perform and fulfil their part as specified in the MOU, we withdrawing the criminal proceedings initiated against all the accused persons in Crime No.253/2018, Crime No.308 of 2018 and another complaint dated 07.04.2018 by way of filing this consent affidavit before this Hon'ble Court and I further state that the Company also gave withdrawal letters dated 13.8.2018 to the First Respondent pertaining to the above three cases.

5. I state that since the Company, i.e. the Defacto-Complainant and the accused had entered into a compromise and had amicably settled the issues between us. I further state that presently a carnal acquaintance had developed between us and no quarrel would arose at later stage with respect to the claim of the funds misappropriated by Mr.Rajamani Muthuganesan and other accused persons before any forum of law."

4 In view of the compromise arrived at by the parties, the FIR in Crime No.253 of 2018 in respect of all the accused stands quashed. Though out of eight accused, only the petitioner/A6 has filed the present petition, he shall pay a sum of Rs.1,000/- to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

In fine, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police
Central Crime Branch-I,
EDF Wing,
Vepery, Chennai-600 007

2.The Public Prosecutor,
High Court of Madras.

3.The Section Officer,
Accounts Section,
High Court, Madras.

+1cc to Mr.R.Vivekananthan, Advocate Sr.57528

+1cc to Mr.R.Gopinath, Advocate Sr.57762

Cr1.OP No.20592 of 2018

srg 10/09/2018

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