

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.10618 of 2018

Uma Sivaraman

... Petitioner

Vs

1.State represented by
The Inspector of Police
Central Crime Branch,
Chennai
Crime No:05/2010

2.D.P.Charmila

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to permit the Complainant and Accused to compound the alleged offences under section 420 r/w 109 of IPC in C.C.No.311 of 2006 pending on the file of Learned Judicial Magistrate Court No.1, Poonamalee and quash the same.

For Petitioner : Mr.Vimal B.Crimson

For R1 : Mr.C.Iyyapparaj,
Additional Public Prosecutor.

For R2 : Mr.K.Govi Ganesan

O R D E R

This Criminal Original Petition has been filed to permit the Complainant and Accused to compound the alleged offences under Section 420 r/w 109 of IPC in C.C.No.311 of 2006 pending on the file of the learned Judicial Magistrate Court No.1 at Poonamalee and to quash the same.

2. On the complaint lodged by the second respondent, the first respondent police have registered a case in Crime No.68 of 2006 and after completing the investigation, has filed a final report in C.C.No.311 of 2006 before the learned Judicial Magistrate Court No.1, Poonamalee against the petitioner herein and her husband Sivaraman for the offences under Section 420 r/w 109 of IPC, for quashing which, this

petition has been filed on the ground that the parties have arrived at a compromise.

3. It is brought to the notice of this Court that during the pendency of the case, Sivaraman/(A2) in C.C.No.311 of 2006 had died in the year 2008.

4. Today, Uma Sivaraman/(A1) and D.P.Charmila/Defacto complainant(R2) are present. They have filed a joint affidavit wherein, it is stated follows:

"6. We submit before this Hon'ble Court that the complainant is prepared to pay back the Rs.15,00,000/- by way of Demand Draft No.512828 dated 11.07.2018 and the accused herein also prepared to hand over the original parent deeds vide Doc.No.3892/1987 dated 03.11.1987 Sale deed from Narayanan Nambiar to Uma Sivaraman involve in the present case and to settle the issue amicably and therefore the actual claim of the complainant has been settled by the accused.

7. We submit that the complainant and accused amicably settled the issue between themselves and to that effect now filed this present joint affidavit before this Hon'ble Court to quash the C.C.No.311 of 2006 pending on the file of Learned Judicial Magistrate No.1, Poonamalee.

8. We submit that the complainant and accused do not want to persuade the present criminal case pending in C.C.No.311 of 2006 pending on the file of Learned Judicial Magistrate No.1 at Poonamalee. Hence this present joint affidavit filed to compound the offence against the accused."

5. The Demand Draft bearing No.512828 dated 11.07.2018 for a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) drawn in favour of Uma Shivram has been handed over to the petitioner/Uma Sivaraman in the open Court and the Original Sale Deed, Doc.No.3892 of 1987 dated 03.11.1987 has been handed over to Ms.D.P.Charmila/defacto complainant/respondent in the open Court.

6. In view of the above, this petition is allowed and the proceedings in C.C.No.311 of 2006 before the learned Judicial

Magistrate Court No.1, Poonamalee are hereby quashed.

7. It is brought to the notice of this Court that during investigation, the Police have seized the following:-

- (i) 6 years National Saving Certificate - Rs.10,000
- (ii) Shriram Investments Debenture Certificates
Rs.25,000/-
- (iii) Shriram S/o Viswanath, Indian passport
No.A7416281
- (iv) பணம் ரூ 40.000- (நாற்பதாயிரம் மட்டும் ;)
- (v) Uma S/o Shivram, Indian Passport No.7229396.

8.Since, the final report in C.C.No.311 of 2006 has been quashed, the learned Judicial Magistrate No.I, Poonamalee, is directed to return the aforesaid seized items to the petitioner/Uma Sivaraman without insisting on any security.

Sd/-
Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

ay/smi

To

1. The Inspector of Police
Central Crime Branch,
Chennai.
Crime No:05/2010
2. The Judicial Magistrate - I,
Poonamalee, Chennai.
3. Mr.C.Iyyapparaj,
Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.Vimal b crimson, Advocate SR.No.50956
+1cc to Mr.Govi Ganesan, Advocate SR.No.50560

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GN(11/08/2018)