

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2018

CORAM:

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

Crl.O.P. No.22110 of 2018 & Crl.M.P. No.12185 of 2018

K.R. Athaullah Basha

Petitioner

vs.

1 State represented by
the Inspector of Police
CCB 16A Team
Commissioner Office
Vepery
Chennai 600 007

2 K. Kamalakannan

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records in Cr. No.1418 of 2011 pending on the file of the Inspector of Police, CCB, 16A Team, Vepery, Chennai 600 007 and quash the FIR registered by the first respondent in Cr. No.1418 of 2011 on 12.08.2011 on the complaint made by the second respondent.

For petitioner Mr. Bala Amudanathan

For R1

Mrs. M. Prabhavathi
Addl. Public Prosecutor

For R2

Mr. V.J. Arul Raj

ORDER

This Criminal Original Petition has been filed seeking to call for the records in Cr. No.1418 of 2011 pending on the file of the Inspector of Police, CCB, 16A Team, Vepery, Chennai 600 007 and quash the FIR registered by the first respondent in Cr. No.1418 of 2011 on 12.08.2011 on the complaint made by the second respondent.

2 On the complaint lodged by Kamalakannan (the second respondent), the first respondent police registered a case in Cr. No.1418 of 2011 on 12.08.2011 under Sections 465, 467, 471, 419 and 506(i) read with Section 120-B IPC against Athaullah Basha (A1) and Santhanam (imposter), for quashing which, this petition has been filed by Athaullah Basha (A1) on the ground

that the parties have arrived at a compromise.

3 On the directions of this Court, Athaullah Basha (A1), Santhanam (original), Kamalakannan (de facto complainant) and Babu (confession accused) are present today and they are identified by Mr.S.Sridharan, Special Sub Inspector of Police, Central Crime Branch, Team 16A, Chennai, who is also present before this Court today.

4 A joint compromise memo dated 03.10.2018 signed by Athaullah Basha (A1) and Kamalakannan (de facto complainant), has been filed, wherein, at paragraph nos.2 to 4, it has been stated as under:

"2 That both parties have agreed that the schedule property absolutely belongs to 2nd respondent and that the 2nd respondent has obtained an ex parte decree and judgment dated 28.04.2018 in respect of schedule property against the petitioner in O.S. No.424 of 2011 on the file of the Additional District Munsif, Alandur. The petitioner accepts and confirms that he would not go in appeal or file any petition/application to set aside the said decree and judgment and it is binding and final on the both parties and that the petitioner shall have no any right whatsoever, over the schedule of property.

3. The petitioner has agreed to pay the 2nd respondent a sum of Rs.3,00,000/- (Rupees three lakhs only), towards litigation, costs and expenses, incurred by the 2nd respondent.

The 2nd respondent has no objection to compound the offences against the petitioner in Cr. No.1418 of 2011 on the file of CCB, 16A Team, Vepery, Chennai and 2nd respondent is hereby withdrawing the said complaint."

5 Kamalakannan (de facto complainant) and Santhanam (original) submitted that they have no objection in the FIR being quashed as against all the accused.

6 In view of the above, the case in Cr. No.1418 of 2011 on the file of the first respondent police is quashed as against all the accused, including Babu (confession accused) S/o Razaak, on condition that Athaullah Basha (A1) and Babu (confession accused) pay Rs.1,000/- each (totally Rs.2,000/-) as costs 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.

This Criminal Original Petition is allowed in the above terms. Connected Crl.M.P. is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

Cad

To

1 The Inspector of Police
CCB 16A Team
Commissioner Office
Vepery
Chennai 600 007

2 The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.Balaa Muthavnathan, Advocate SR.No.71201

+1cc to Mr.V.J.Arulraj, Advocate SR.No.70802

Crl.O.P. No.22110 of 2018

GMV (26/10/2018)

सत्यमेव जयते
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