

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.25843 of 2014

and

M.P.No.1 of 2014

1. S.Martin
2. Siva Prakash ...Petitioners / Accused

Vs.

1. State represented by
Special Sub-Inspector (L & O),
B2, R.S.Puram Police Station,
Coimbatore.
(Crime No.334 of 2012).

2. R.Krishnaraj,
Proprietor of M/s. K.R.S.Bakery,
S/o. Late Rangasamy,
No.527, D.B.Road,
R.S.Puram,
Coimbatore - 2. ...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in Crime No.334 of 2012 dated 08.03.2012 on the file of the first respondent police and quash the same as illegal, time barred and abuse of process of law.

For Petitioners : Mr.R.Ganeshkanna

For R1 : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

For R2 : Mr.D.Ravichander

O R D E R

This petition has been filed by the accused Nos.1 and 2 to quash the FIR in Crime No.334 of 2012 on the file of the first respondent.

2. The second respondent herein has lodged a complaint stating that he has entered into a sale agreement with the first petitioner in the year 2009, for selling his property for Rs. 1,50,00,000/- (Rupees One Crore and Fifty Lakhs Only). He further stated that the aforesaid amount

was paid to him in four installments and every time, the first petitioner has obtained the signature in blank papers. He further stated that since the first petitioner has not come forward for getting the execution of the sale deed by paying the balance sale consideration, he made a request to the first petitioner to pay the balance sale consideration and execute of the sale deed and for that, the petitioners herein have criminally intimidated him and hence he has lodged a complaint. Based on the said complaint, the first respondent has registered a case against the petitioners herein in Crime No.334 of 2012 under Sections 420, 384, 294(b) and 506(ii) IPC.

3. The petitioners herein have originally filed this petition to quash the said FIR on the ground that no offence is made out. Subsequently, the petitioners have filed additional grounds stating that the matter has been settled and on that ground, they have requested to quash the FIR.

4. When this matter came up for hearing on 23.10.2018, the first petitioner and the second respondent appeared in person and filed affidavits stating that they have settled the matter. Since the second respondent not appeared on 23.10.2018, the matter has been posted today. Today, the second petitioner appeared in person and filed an affidavit stating that the matter has been settled.

5. From the aforesaid affidavits, it is clear that the petitioners have settled the matter with the second respondent/complainant. The second respondent/complainant has stated in the affidavit that since the matter has been settled, he is willing to withdraw the complaint preferred by him against the petitioners herein.

6. Taking into consideration the aforesaid facts, the continuation of the FIR in Crime No.334 of 2012 on the file of the first respondent against the petitioners herein will not serve any purpose and therefore, this Court is inclined to quash the said FIR.

7. In the result, this Criminal Original Petition is allowed. The FIR in Crime No.334 of 2012 on the file of the first respondent is quashed against the petitioners herein. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS v)

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Sub Assistant Registrar

gsp/msrm

To

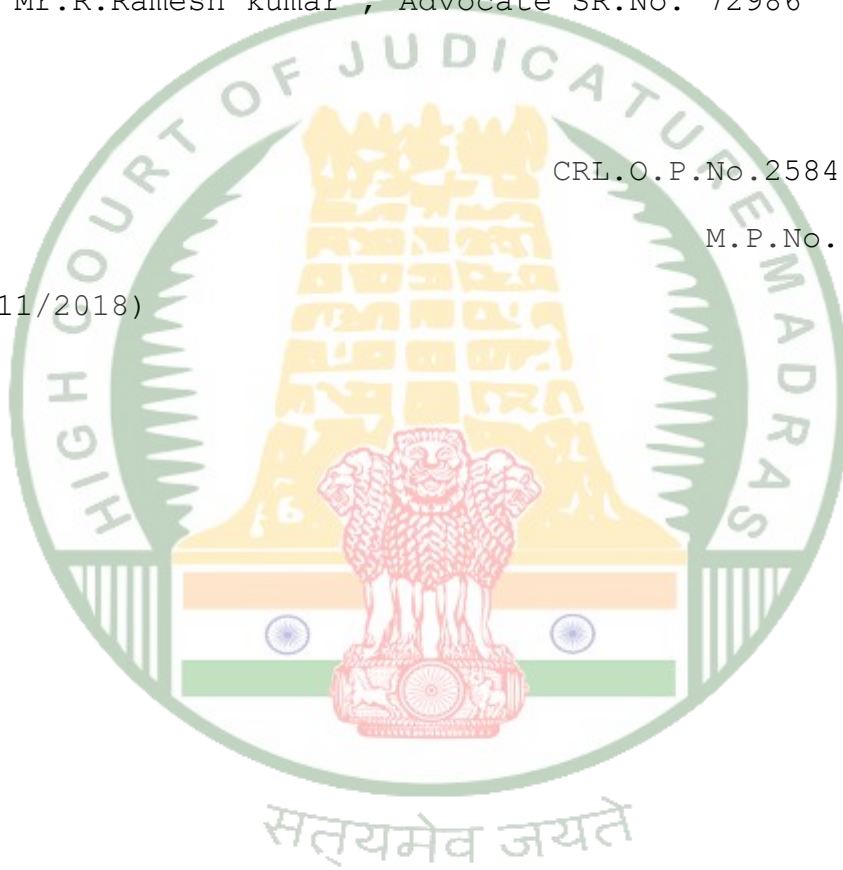
1.The Special Sub-Inspector (L & O),
B2, R.S.Puram Police Station,
Coimbatore.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Ramesh kumar , Advocate SR.No. 72986

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ASK(09/11/2018)



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