IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.10.2018
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.O.P No.22976 of 2018

1. Mr.Sunil Kumar Gupta
2. Ms.Sangita Talwar
3. Mr.Subrat Das
4 Mr.Aanshik Kumar Deore
5.Mr.Balasubramanium Raman
6.Mr.Vartharajan Arunkumar
7.Mr.Manikandan .. Petitioners

..Vs..

1.State represented by
The Inspector of Police,
Central Crime Branch, team 1,
Vepery, Chennai 600 007.

2. Mr.K.Varahala Rao ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in F.I.R.No.189 of 2018 dated 15.05.2018 on the file of the First respondent Police and quash the same.

For Petitioner : Mr.P.R.Raman
Senior Counsel
For Respondents : Mr.P.T.Kannan
for Fox Mandal & Associates
O R D E R
This Criminal Original Petition has been filed to call for the records in F.I.R.No.189 of 2018 dated 15.05.2018 pending on the file of the First respondent Police and to quash the same.

2. M/s. RegenPowertech Pvt., Ltd., the de-facto complainant filed Crl.M.P.No.1862 of 2018, before the Chief Metropolitan Magistrate, Allikulam under Section 156 Cr.P.C. and on directions the respondent police registered a case in Cr.No.189 of 2018 on 15.05.2018, under Sections 408, 420, 120 B and 381 I.P.C. and Section 66 and 43 of Information Technology Act 2000 against Sunilkumar Gupta (A1) and 9 others, for quashing which this petition has been filed on the ground that the parties have arrived at a compromise.

3. Today, Mr.R.Raghavendran, Special Sub Inspector of Police, C.C.B, Chennai is present and Mr.Joseph Chaly, authorised representative of M/s. RegenPowertech Pvt., Ltd. is present. Subrat (A3), Aanshik Kumar Deore (A4), Balasubramanian Raman (A5), Varatharajan Arunkumar (A6) and Manikandan (A7) are present. The de-facto complainant is represented by Advocate Mr.P.T.Kannan, (Enrolment No.MA4/2666/2008) for M/s.Fox Mandel and Associates. The de-facto complainant filed an affidavit dated 12.09.2018. wherein, in Para Nos.4 and 5, it is stated as follows:

4. I further submit that Regen, its Subsidiary, Regen Infrastructure and Services Private Limited

(hereinafter referred to as Regen Infra), SGIL and certain of its subsidiaries (hereinafter referred to as SGIL Subsidiaries) have amicably settled and resolved all disputes existing between them and vide the said settlement have agreed to put quietus to all issues, including the aforesaid criminal proceedings. In view of the aforesaid amicable settlement, a Settlement Agreement dated August 25, 2018 has already been entered into between Regen, Regen Infra and SGIL, SGIL Subsidiaries (the Settlement Agreement). It state that I am well acquainted with the terms and provisions of the Settlement Agreement and have understood the same. I state that the contents of the Settlement Agreement should be read as part and parcel of this Affidavit.

5. I State that in terms of the Settlement Agreement, Regen along with its subsidiary, Regen Infra and SGIL along with SGIL Subsidiaries have agreed to undertake certain obligations and since the parties to the Settlement Agreement are in the process of complying with their obligations in terms of the Settlement Agreement, Regen, in order to perform and fulfil its obligations as specified in the Settlement Agreement, expresses no objection to quashing of the criminal proceedings initiated against the accused persons No.1-7 in Crime No.189/2018, by way of filing this supporting affidavit before this Hon'ble Court. I further state that Regen no longer wishes to pursue the FIR against the accused persons No.1-7 in Crime No.189/2018. I further state that Settlement Agreement has been entered into by Regen on account of its own free will and there was no undue pressure on Regen to enter into the Settlement Agreement. I also state that this supporting affidavit is also being filed in terms of the Settlement Agreement, on account of my own free will without any undue pressure.

4. In view of the above, the proceedings in F.I.R.No.189 of 2018, pending on the file of Inspector of Police, Central Crime Branch, Team 1, Vepery, Chennai as against all the accused including those who are not before this Court is quashed, and as a sequel, this Criminal Original Petition is allowed on condition that the petitioners/accused shall pay a sum of Rs.1,000/- each (totally Rs.7,000/-) 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.

05.10.2018
Internet : Yes/No
Index : Yes/No
Speaking / Non-speaking order
arr

To

1.The Inspector of Police,
Central Crime Branch, team 1,
Vepery, Chennai 600 007.

2.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH,J,
arr

Crl.OP No.22976 of 2018

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