

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.23203 of 2018

1.Prashanth Gangadhar
2.Kamalkumar Tandon
3.R.Gangadhar

..Petitioners

Vs

1.The State rep. by
Inspector of Police,
J-3, Guindy Police Station,
Chennai.
2.Freight Systems India Pvt Ltd.,
Represented by its authorised signatory,
S.Naveen,
A7 Rathna Tower, 1st Floor,
Super A7, Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai 600 032.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the records pertaining to the case pending
investigation in Crime No.1188/2017 on the file of the
respondent police and quash the same as against the petitioners.

For Petitioners : Mr.C.P.Palanichamy

For 1st Respondent: Ms.M.Prabhavathi, APP

O R D E R

On the complaint lodged by the 2nd respondent, the
1st respondent Police registered a case in Crime No.1188 of 2017
under Sections 408, 420 and 120 B of I.P.C against the
petitioners herein, for quashing which, this petition has been
filed on the ground that the parties have arrived at a
compromise.

2.Today, Prashanth Gangadhar/A1 and S.Naveen/de facto
complainant are present before this Court and they are
identified by their respective counsel. The de facto complainant
has filed an affidavit dated 24.09.2018, wherein he has stated
as under:

"7.I state that during the pendency of the
investigation of the case, an amicable solution

was reached between us and we sorted out the dispute among us. I state that based on the settlement arrived between the parties concerned, I have decided to withdraw the complaint lodged by me against the petitioners on the terms and conditions agreed between us.

8.I state the terms and conditions agreed between us are as follows:

A.The petitioners have no objection for the 2nd respondent withdrawing the amount of Rs.35,61,912/-, which is admittedly due to the 2nd respondent/De-facto Complainant under freight, deposited before the IX Metropolitan Magistrate in the crime No.1188/2017 as per order of this Hon'ble High Court in Crl.O.P.No.7936 of 2017.

B.M/s.Winvertex Exim Pvt Ltd shall pay a sum of Rs.1,83,400/- to M/s Freight Systems India Pvt Ltd towards the part of the cargo storage and transportation charges.

C.M/s.Winvertex Exis Pvt Ltd shall pay the storage charges to the warehouse M/s.Thirurani Logistic Pvt Ltd.

D.The Indemnity bond dated 22.08.2017 given by M/s.Winvertex Exim Pvt Ltd towards non-submission of Original Bills of Lading in Crl.O.P.No.7936 of 2017 shall continue.

E.M/s.Freight Systems India Pvt Ltd have no objection for quashing the FIR in Crime No.1188 of 2017 on the file of the J-3 Inspector of Police, Guindy Police Station, Chennai.

F.M/s.Freight Systems India Pvt Ltd (Complainant) has no objection for releasing the cargo from the warehouse.

9.I state that in view of the above position of settlement between us, I had consented to not to proceed with the criminal case initiated by me."

3.In view of the above, this petition is allowed and FIR in Crime No.1188/2017 on the file of the 1st respondent police is hereby quashed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gsa/gya

To

1.The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

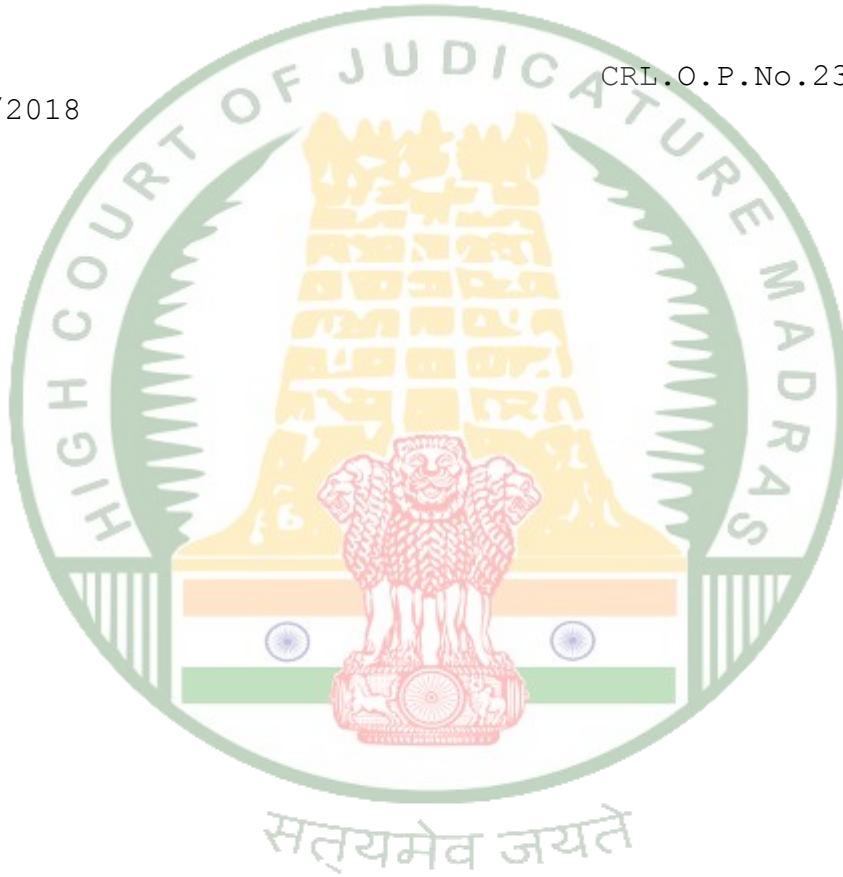
2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Giridharan, Advocate, S.R.No.67704.

+1cc to Mr.C.P.Palanichamy, Advocate, S.R.No.67404

rrs 04/10/2018

CRL.O.P.No.23203 of 2018



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