

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P. No.29687 of 2018

1. AVK.Raja,
S/o.Krishnamoorthy,
Managing Director,
Kipico Motors India Pvt.Ltd.,
309, Poonamalle High Court,
Kilpauk, Chennai-600 010.
2. J.Dhanasekaran,
S/o.Thirupathirajan,
General Manager (sales),
Kipico Motors India Pvt.Ltd.,
309, Poonamalle High Court,
Kilpauk, Chennai-600 010.
3. Anand Babu,
S/o.Thirupathirajan
HR Manager,
Kipico Motors India Pvt.Ltd.,
309, Poonamalle High Court,
Kilpauk, Chennai-600 010... Petitioners/Accused 2 to 4

. Vs .

1. State represented by
The Inspector of Police,
Kilpauk Police Station (crime),
Kilpauk, Chennai 600 010.
2. Tmt. Sahanara Begam ... Respondents/Defacto complainant
& Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the First Information Report in Crime No.91 of 2018, on the file of the first respondent Police.

For Petitioners : Mr.A.Amarnath

For Respondents : Mr.M.Mohamed Riyaz, APP for R 1
R2 appeared in person

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.91 of 2018, on the file of the first respondent Police.

2.On the complaint lodged by the 2nd respondent, the respondent Police registered an FIR for an offence under Section 420 and 506 (i) IPC against the petitioners herein. The 1st petitioner is the Managing Director, 2nd petitioner is General manager and the 3rd petitioner is HR Manager of the above said Company. Pending investigation of the FIR, the parties have decided to settle the dispute among themselves and have also reached compromise.

3.The de-facto complainant is present before the Court, and the learned counsel for the petitioners handed over a Demand Draft bearing No.522044 dated 18.12.2018 drawn on ICICI Bank, Cenotaph Road, Chennai for a sum of Rs.3,00,000/- [Rupees Three Lakhs only]. The de-facto complainant after receiving the demand draft stated that the entire case can be closed.

4.In view of the above development, no useful purpose will be served by keeping the proceedings pending before the Court below. The offence in question even though is non compoundable, the facts of the case is squarely false within the guidelines given by the Hon'ble Supreme Court reported in [2017 9 SCC 641] - Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat.

5.This Criminal Original Petition stands allowed and as a sequel, the FIR in Cr.No.91 of 2018, pending on the file of the 1st respondent police is quashed. Each Petitioner shall pay a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry), within a period of one week 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.

Accordingly, the Criminal Original Petition is allowed in terms of the affidavit filed by the 2nd respondent before this Court and also the statement made by her before this Court in person.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Kilpauk Police Station (crime),
Kilpauk, Chennai 600 010.

2.The Additional Public Prosecutor,
High Court of Madras,
Madras.

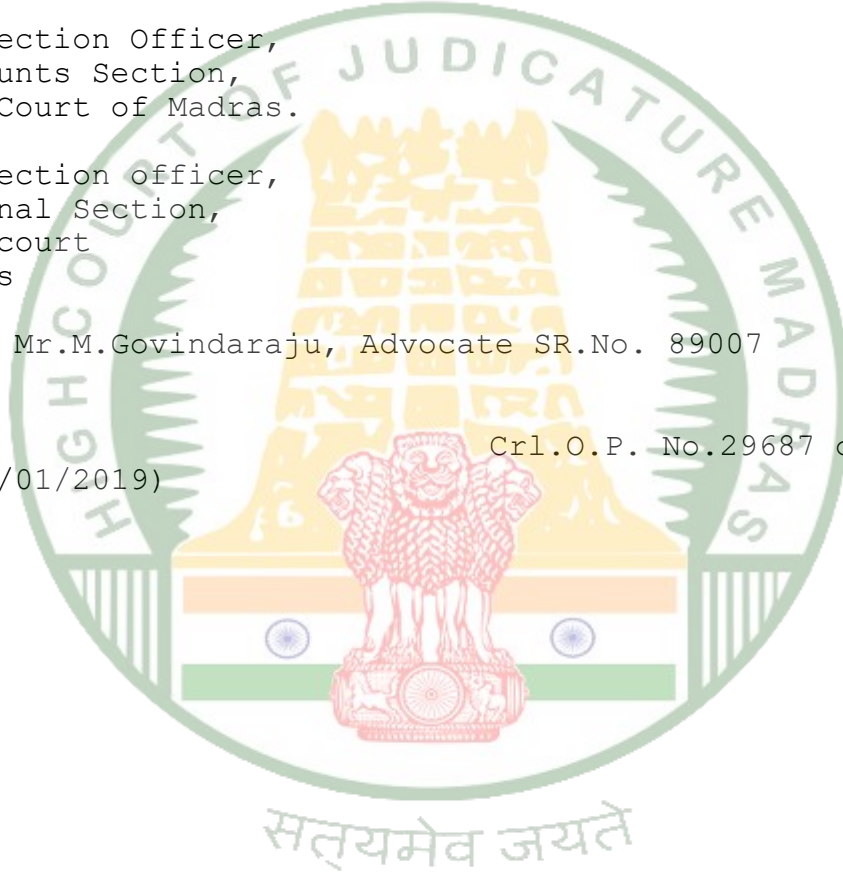
3.The Section Officer,
Accounts Section,
High Court of Madras.

4.The section officer,
Criminal Section,
High court
Madras

+1cc to Mr.M.Govindaraju, Advocate SR.No. 89007

A.SK(18/01/2019)

Cr1.O.P. No.29687 of 2018



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