



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.17045 of 2013
and
MP(MD)No.1 of 2013

1.Rajeev Reddy
2.Siddarth Reddy
3.Varun Reddy
4.M.Somanadhan

... Petitioners/Accused 1 to 4

Vs.

1. State Rep.by
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.93/2012)

... 1st Respondent/Complainant

2. C.Arul Vadivel @ Sekar

... 2nd Respondent/Defacto
Complainant

Prayer : This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records in Crime No.93 of 2012 on the file of the Inspector of Police, District Crime Branch, Madurai District and quash the same.

For Petitioners	:	Mr.C.Muthu Saravanan
For Respondents	:	Mr.Robinson, Govt.Advocate for R1 Mr.J.Selvam for R2

ORDER

The petitioners are promoters of Country Vacations Club, Bypass Road, Madurai. The second respondent herein had entered into a contract with the said Club. It appears that proper service was not rendered to the second respondent. That led to the registration of the impugned F.I.R. To quash the same, this Criminal Original Petition has been filed.

2.Thiru.C.Muthu Saravanan, the learned counsel for the petitioner, submits that the issue on hand is purely contractual in nature and if at all the second respondent is having any grievance with regard to the deficiency in service, the only course



open to him is to move the civil forum and filing the impugned criminal case is not the remedy.

3. Before going into the merits of the matter, this Court suggested to the petitioners' counsel that the petitioners can come up with a revised offer so as to give a quietus to the issue. The suggestion made by this Court was readily accepted by the learned counsel for the petitioner and a letter of undertaking is also filed to that effect. As per the original contract, the membership is in force till 2032. Now, it has been revised and the second respondent can be a member of the said club till 2048. The petitioners also agreed to waive off the AMC dues (Annual Maintenance Charges) pending in the account of Mr. Arul Vadivel @ Sekar for the period of 2009 until 2018. The petitioners also further undertake to hand over the revised copy of the letter of undertaking in a stamp paper to the second respondent. This is placed on record.

4. Hence, the impugned F.I.R in Cr.No.93 of 2012 stands quashed. This CrI OP(MD)No.17045 of 2013 is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-3)

To

1. The Inspector of Police,
District Crime Branch,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SKM

TE/PN/SAR-3 : 24/07/2018 : 2P/3C

CrI OP(MD)No.17045 of 2013 and
MP(MD)No.1 of 2013
10.07.2018