

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.14050 of 2012 and
M.P.No.1 of 2012

S.P.Murugappan

... Petitioner

Vs.

1. The Inspector of Police,
Central Crime Branch Team 1,
Egmore, Chennai - 600 015.

2. M/s.Chennai Water Desalination Ltd.,
represented by its
Project Coordinator Mr.M.V.S.K.Perraraju,
No.30A, 6th Cross Road,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records culminating in X.Cr.No.165 of 2012 dated 26.03.2012 alleging commission of offence under Sections 409, 418 and 120(b) of IPC pending investigation on the file of the first respondent and quash the same insofar as it relates to the petitioner.

For Petitioner : Mr.T.K.Bhaskar

For Respondents : Mr.R.Ravichandran,
Govt.Advocate (Crl.Side) for R1
Ms.P.V.Rajeswari for R2

ORDER

Based on the complaint given by the second respondent, the first respondent police registered a case in X.Cr.No.165 of 2012 against the petitioner for the offence punishable under Sections 409, 418 and 120(b) of IPC. Pending investigation of the above case, the accused has filed this petition seeking to quash the same.

2 When the matter is taken up for hearing, both the learned counsel appearing for the petitioner as well as the second respondent submitted that the matter has been settled between the parties amicably and joint memo of compromise dated 19.11.2018 has also been filed to that effect and since the offence charged against the petitioner/accused is compoundable, the present case against the petitioner may be quashed recording the said joint memo of compromise.

3 Heard the learned counsel appearing on either side and perused the materials available on record.

4 On reading of the complaint and the First Information Report, it reveal that the case was registered for the offence under Sections 409, 418 and 120(b) and 120 (b) is not a compoundable offence and hence this Court cannot accept the contention of the learned counsel on either side. Further both the counsel have not stated that the averment made in the complaint is false or abuse of process of law. Under these circumstances, this Court is not inclined to invoke Section 482 of Cr.P.C. and quash the case on the ground of compromise for the reasons state above.

5 In the result, the criminal original petition is dismissed. Consequently connected miscellaneous petition is closed. However, the parties are at liberty to workout their remedy in the manner known to law.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police, Central Crime Branch Team 1,
Egmore, Chennai - 600 015.
2. Public Prosecutor, High Court of Madras.

+1cc to Mr.T.K.Bhaskar, Advocate, S.R.No.105006

+1cc to Ms.P.V.Rajeswari, Advocate, S.R.No.105430

CrI.O.P.No.14050 of 2012 and
M.P.No.1 of 2012

SSI(CO)
CS/31/01/2020