

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.2160 of 2019

and CRL.M.P.No.1367 of 2019

1. Mahesh
2. J.Dinesh

... Petitioners/Accused 1 & 2

Vs.

1. The State Rep by
The Inspector of Police,
J6, Thiruvanmiyur Police Station,
Chennai. 1st Respondent/Complainant
2. Ramesh Ramanathan
....2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the First Information Report in Crime No.600 of 2014 dated 09.04.2014 on the file of the first respondent and quash the same.

For Petitioners : Mr.Arockia Selvaraj I.

For Respondents

For R1 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R2 : No appearance

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.600 of 2014 dated 09.04.2014 on the file of the first respondent registered for the offence under Sections 364(A) and 342 of IPC.

2. It is seen that the petitioners are tenants and the second respondent is the landlord of the disputed premises, in which there was a civil suit in O.S.No. 2371 of 2014 pending before the learned VIII Assistant City Civil Court, Chennai. In the said said suit both the parties are entered into compromise and also filed a Memorandum of Understanding, which reads as follows :-

"1. The party of the first party shall
a) Withdraw the above said private
compliant filed u/s. 138 of Negotiable
Instruments Act as against the 2nd party before

the Hon'ble Fast Track Court-III, Saidapet, Chennai in C.C.No.5981/14 within days from the date of this Memorandum Understanding.

b) Withdraw the said criminal case viz., FIR in Crime No.600/2014 on the file of J6-Thiruvannamiyur Police Station, Chennai or shall give utmost support in quashing the said FIR including filing of supporting affidavit or compromise memo before the Hon'ble High Court of Judicature at Madras.

2. The Party of the second part shall withdraw the case which filed against the 1st party before Hon'ble VIII Assistant City Civil Court at Chennai in O.S.No.2371/14 within days from the date of this Memorandum of Understanding.

3. I on this day the April, 2016 have received a sum of Rs. 4,00,000/- (Rupees four lakhs only) from Mr.Ramesh Ramanathan the defendant herein, and hereby handover the possession of the "second floor at No.4 Officers colony, vijayanagar extn., Velachery - 600 042" whole heartedly.

It is agreed by both the parties that if either party violate the said condition(s), the affected party shall sue against the other party towards compensation and damages."

3. In view of the above Memorandum of Understanding between them, the entire matter has been settled and the petitioners also vacated from the disputed premises and handed over the same to the second respondent. In the said Memorandum of Understanding, the second respondent undertakes to withdraw the complaint in Crime No.600 of 2014 on the file of the first respondent. Considering the above fact and circumstances, the pendency of FIR would not serve any purpose and to meet the ends of justices, this Court is inclined to quash the criminal proceedings.

4. Accordingly, this Criminal Original Petition stands allowed and the First Information Report in Crime No.600 of 2014 dated 09.04.2014 on the file of the first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

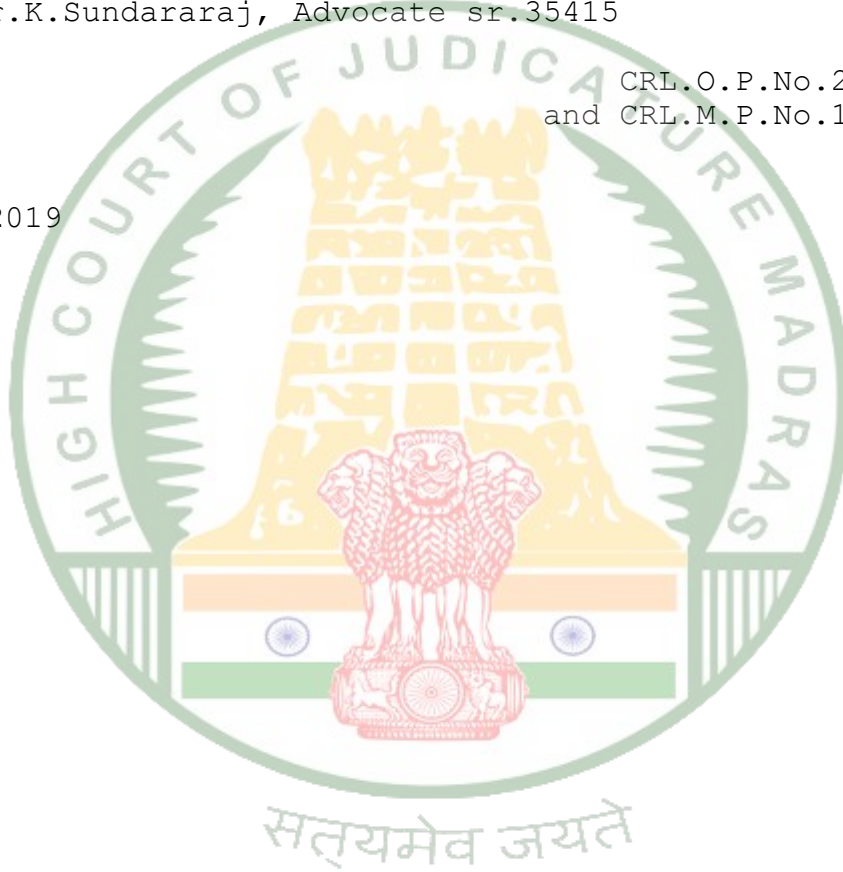
1. The Inspector of Police,
J6, Thiruvannamipur Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.Sundararaj, Advocate sr.35415

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GJ-II(CO)
nr 16/05/2019



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