

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.02.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.3147 of 2019

1.Mr.Naresh

2.Mr.Ravikumr

...Petitioners

Vs.

1.State of Tamilnadu

Rep by The Inspector of Police,
CB-CID, Egmore,
Chennai-600 008.
(Crime No.11 of 2017)

2.Mr.Asik Rasool

....Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in CB-CID, Crime No.11 of 2017 on the file of the Inspector of Police, CB-CID, Metro, Egmore, Chennai District-600 008 and quash the same.

For Petitioners: Mr.R.Arun Kumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in CB-CID Crime No.11 of 2017 on the file of the Inspector of Police, CB-CID, Metro, Egmore, Chennai District-600 008.

2. The learned counsel for the petitioner would submit that the matter has been settled between the parties and to that effect he has also filed the memorandum of understanding executed between the parties. Hence, he prayed for quashment of FIR in Cr.No.11 of 2017 on the file of the first respondent.

3. It is seen that that the parties have entered into a memorandum of understanding, which reads as follows:

" 1. The parties of the first part will undertake to pay the amount of Rs.49,00,000/- (Forty Nine lakhs only) to the party of the second part within regular time intervals.

2. The parties of the first part will undertake to pay the amount of Rs.5,00,000/- (Five lakhs only) through cheque to the party of the second part. By way of Karur Vysya Bank Cheque Details:-

(i).ChequeNo.000339:dt.18/01/2019: Rs.5,00,000/-,

3. The parties of the first part has agreed to settle the balance amount of Rs.44,00,000/-(Forty Four Lakhs Only) to the party of second part in every three months once particular lump sum amount of Rs.3,00,000/- within period of 48 months by way of 15 Nos of Cheques.

4. The amount of Rs.44,00,000/- (Forty Four Lakhs Only) will be paid to the second party through Cheque transaction.

5.The party of the second part shall not claim any further amount from the party of the first part and the second party hereby Undertakes to Withdraw the Complaint Filed against the Part of the First Part and shall not file any complaint against the party of the first part. The first Part moves the FIR QUASH PETITION file Before the Hon'ble Madras High Court, the Second Part undertakes to Co-operate with the FIR QUASH Proceedings.

5(a). The party of the First Part shall not claim any further amount apart from the mention amount by from the Second Part.

6. The party of the second part hereby undertakes to withdraw the case in crime No.11/2017 on the file of the CB ClD, Metro, Egmore, Chennai complaint ?led against 1. Mr.G.Nareshkumar, S/o R.Ghisulal Jain 2.Mr.Ravikumar S/o (late) K.C.Parthsarathy (the parties of the first part). The Second Part undertakes to enter appearance through his counsel in a cae filed before Hon'ble High Court of Madras to quash the First Information Report filed by the First Part and extend all assistance by filing Memo of Compromise for closure of First Information Report filed against First Part.

7. If any complaint filed or pending against the party of the first part on the complaint of the party of the second party the same will be closed by submitting this memorandum of understanding.

8. Both the party hereby agreed to solve the problem by mutually if anything happened at the time of future payment."

Further, the defacto complainant has also filed an affidavit before this Court dated 25.02.2019 admitting the compromise entered between the parties. The said memorandum of understanding and the affidavit filed on 25.02.2019 shall form part and parcel of this order as such this Court is inclined to allow the prayer sought for by the petitioners.

4. Accordingly, the proceedings in Crime No.11 of 2017 on the file of the Inspector of Police, CB-CID, Metro, Egmore, Chennai District-600 008 is quashed.

Xerox Copy of Memo of Understanding attached.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Inspector of Police,
CB-CID, Egmore,
Chennai-600 008.
(Crime No.11 of 2017)

- 2.The Public Prosecutor,
High Court,
Madras.

+2cc to Mr. R.Arun Kumar, Advocate, S.R.No. 17285

Cr1.O.P.No. 3147 of 2019

RK (CO)

GN (21/03/2019)