

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5252 of 2018
and
CRL.M.P No.2596 of 2018

S.Sivaselvam ...Petitioner

Vs.

The State, rep. By
The Inspector of Police,
Central Crime Branch EDF-III
Police Station,
Chennai. ...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the Crime No.140 of 2012 dated 08.10.2012 on the file of the Inspector of Police, Central Crime Branch EDF-III Police Station, Chennai and quash the same.

For Petitioner : Mr.N.Vijaya Baskar
for M/s. Law Vision
For Respondent : Mr. M.Mohamed Riyaz,
Additional Public Prosecutor

सत्यमेव जयते

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.140 of 2012 pending on the file of the respondent police.

2. It is seen from the records that the co-accused namely Sivasundar and Kamalraj had filed an anticipatory bail petition before this Court in Crl.O.P.No.27140 of and 27141 of 2012. This Court had referred the matter to the Mediation Centre. All the parties came to an

agreement before the Mediation Centre and executed a mediation agreement dated 06.11.2013.

3. The relevant portion of the mediation agreement is extracted hereunder:

"The Parties herewith amicably settled the matter as per the agreement dated 20.02.2013. The party of the first part namely C.Pachaiappan received the following amounts as per the dates and month and he has received the same as full and final settlement and he does not have any claim as against the party of the second part namely S.Sivaselvam and Sivasundar and T.Kamalraj.

The mode of payments received so far as follows:

Sl. No.	Date	Cash/D.D.No.	Amount
1.	20.02.2013	cash	Rs. 6,00,000
2.	20.04.2013	cash	Rs. 5,00,000
3.	20.04.2013	004744 Tamilnadu Mercantile Bank Ltd., Porur Branch, Chennai	Rs.30,00,000
4.	06.08.2013	cash	Rs. 4,00,000

			Rs.45,00,000

The amount specified for provision of pathway a sum of Rs.20 lakhs which amount being retained by the party of the 2nd part is given up by the party of first part.

Likewise a sum of Rs.5 lakhs being retained by the party of the second part for withdrawal of the suit O.S.No.90/2012, on the file of the Addl. District Judge I at Poonamallee is also given up in favour of the party of the second party by the party of the first part.

The Criminal Complaint pending on the file of the Sub Inspector of Police, C.C.B., Egmore in Cr. No.140/2012 will also be withdrawn by the party of the first part as not pressed.

The party of the second part hereby agrees that they will implead themselves in the suit O.S.No.90/2012 on the file of the Addl. District Judge, Poonamallee and seek their appropriate remedy as well as orders.

The party of the second part further agree that they will work out their own way to have an access i.e the pathway for the property.

These clauses mentioned above will form part and parcel of the Memorandum of Understanding dated 20.02.2013 duly executed by the parties at the Mediation Centre before the Mediator".

4. This mediation agreement was also taken note of by this Court while granting anticipatory bail to the co-accused by an order dated 16.12.2013.

5. The learned counsel for the petitioner submitted that by the time the de-facto complainant took steps to withdraw the complaint, he died on 06.03.2017 and therefore, the FIR was kept pending. Left with no other option, the present petition has been filed before this Court seeking to quash the FIR in Crime No.140 of 2012.

6. It is seen from the mediation agreement that the parties have already resolved their dispute among themselves and the de-facto complainant had also agreed to withdraw the complaint pending in Crime No.140 of 2012. No useful purpose will be served by keeping the FIR pending. The de-facto complainant has also died in the year 2017.

7. Heard the Additional Public Prosecutor appearing on behalf of the respondent police.

8. In the result, the FIR in Crime No.140 of 2012 pending on the file of the respondent police is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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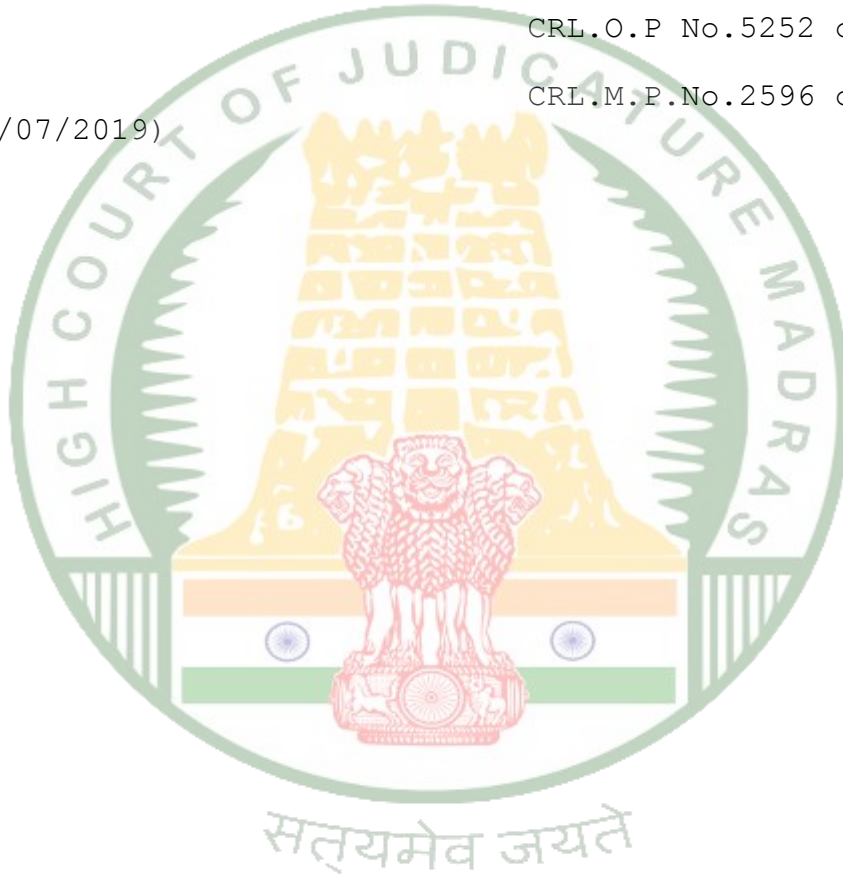
To

1. The Inspector of Police,
Central Crime Branch EDF-III
Police Station,
Chennai.
2. The Public Prosecutor
High Court of Madras.

+lcc to M/s. Law Vision , Advocate SR.No. 52909

CRL.O.P No.5252 of 2018
and
CRL.M.P.No.2596 of 2018

A.SK(15/07/2019)



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