

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.6698 of 2019
and Crl.M.P.No.3706 of 2019

V.Mahesh

...Petitioner/Accused No.1

-Vs-

1. State by:

The Inspector of Police,
Central Crime Branch EDFII Team-III,
O/o The Commissioner of Police,
Egmore, Chennai-8. ...1st Respondent / Respondent

2. Ajit.K.Jain

...2nd Respondent/ defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.2666 of 2012 on the file of the first respondent police and quash the same.

For Petitioner : M/s.Mohammed Rafi

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the criminal proceedings in Crime No.2666 of 2012, on the file of the 1st respondent police.

2. The case of the prosecution is that the complainant has preferred a complaint on 22.09.2011 for cheating, forgery, impersonation and criminal intimidation against the accused and others before the Commissioner of Police, Egmore, Chennai-8, for the offences punishable under sections 120B, 406, 417, 420, 467, 468 and 506(ii) IPC in Crime No.2666 of 2012.

3. The learned counsel for the petitioner submitted that both parties have arrived at a compromise between them and had

amicably settled their issues. Hence, the petitioner filed the present petition seeking to quash the proceedings in Crime No.2666 of 2012.

4. It is seen that the case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. A Memorandum of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. All the parties are present and identified by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Voter ID Card which are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. In view of the Memorandum of Compromise filed by the petitioner and the second respondent, recorded as follows:

"(i) Whereas after detailed discussions among both of the above parties, the disputes were resolved on some conditions a set forth in the settlement terms discussed among them, which is fully written in this memorandum of compromise.

(ii) Whereas it was mutually agreed by both of the above parties that, as per the mutually agreed terms and conditions between the parties. The first parties herein agree to pay a sum of Rs.35,00,000/- (Rupees Thirty Five Lakh Only) as compensation to the second party and the second party agree to withdraw/close/or agree to close/quash the criminal proceedings in legal manner, launched by him against the first parties, more specifically FIR in Crime No.2666/2012, dated 11.10.2012 filed originally before C-2 Elephant Gate police Station, Chennai and presently the same is pending on the file of CCB, EDFII, TEAM 3. The Office of Commissioner of Police, Egmore, Chennai, before the receipt of the said compensation money from the First Parties.

(iii) AND WHEREAS the SECOND PARTIES has agreed that the disputes, claims has reached an end vide the settlement terms and conditions in the Memo of Compromise, which is termed as full and final settlement

(iv) Whereas the Parties hereto have set ad subscribed their respective hands on the day, month and year above mentioned in the presence of

witnesses."

6. Recording the above Memorandum of Compromise, no purpose will be served in keeping this petition pending and to meet the ends of justice, this Court is inclined to quash the proceedings in Crime No.2666 of 2012 on the file of the first respondent police. Accordingly, this Criminal Original Petition is allowed. Consequently connected CRL MP is Closed.

Sd/-
Deputy Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Inspector of Police,
Central Crime Branch EDFII Team-III,
O/o The Commissioner of Police,
Egmore, Chennai-8.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Mohammed Rafi , Advocate SR.No. 26326

CrI.O.P.No.6698 of 2019
and CrI.M.P.No.3706 of 2019

A.SK(16/05/2019)

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