

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.24653 of 2014

Thomas Gerald Henry

...Petitioner/sole Accused

Vs.

1.The State represented by

The Inspector of Police,
Central Crime Branch, Team IV
EDF Wing, Vepery,
Chennai 600 007.

...1st Respondent/Complainant

2.Lee Wun Thiam

... Respondents/Defecto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and quash the complaint in X.Cr.No.192 of 2014 pending investigation on the file of the first respondent police.

For Petitioner : Mr.GuruDhononjay
for Mr.K.S.Nataraj

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

For R2 : No Appearance

सत्यमेव जयते
O R D E R

The present Criminal Original Petition has been filed to call for the records and quash the complaint in X.Cr.No.192 of 2014 pending investigation on the file of the first respondent police.

2.The learned counsel for the petitioner submitted that the complaint has been lodged by the second respondent alleging that the petitioner had misappropriate funds provided by the Fullham International Company, in which, the second respondent is the Public Relations Officer. Thereafter, there was a settlement between the petitioner and the second respondent since, the entire transactions are being purely commercial in nature, the

petitioner settled the claim by making payment of Rs.10,00,000/- to the second respondent in full and final settlement of his claim as contained in the complaint. He further stated that he seeks permission to compound the case.

3.The said affidavit filed by the second respondent as follows:

The second respondent is the de-facto complainant in X.Cr.No.192 of 2014 and the second respondent is well acquainted with the facts of the case. He stated that on 22.11.2013 he preferred a complaint against the petitioner representing M/s.Fullham International Company having its registered Office at Hong Kong, China vide authorization letter duly attested by Indian Consulate in Hong Kong, China, Moreover he working for the afore mentioned company as public relationship Officer in India and he also relative of the Proprietor of the company and well acquainted of the transaction taken place between the petitioner / accused and the Proprietor of Fullham International company. On basis of his complaint the first respondent / complainant arrested the petitioner / accused on 21.08.2014 and was remanded to Judicial Custody by this Hon'ble Court on the same day. The petitioner / accused wanted to settle the issue and offered to pay to the second respondent Rs.10,00,000/- as full and final settlement towards the total liability of Rs.28,00,000/-. Further, he submitted that he also accepted the above mentioned settlement, as something is better than nothing and compromise the issue and prayed to permit him to compound the case.

4.Therefore, the entire matter has been settled between the petitioner and the second respondent. Therefore, the pendency of the F.I.R would not serve any purpose. This Court feels that to meet the ends of justice, the F.I.R cannot be sustained.

5.In view of the above, this Criminal Original Petition is allowed as prayed for. No costs.

Sd/-

Assistant Registrar(I Cell)

//True Copy//

Sub Assistant Registrar

rna

To

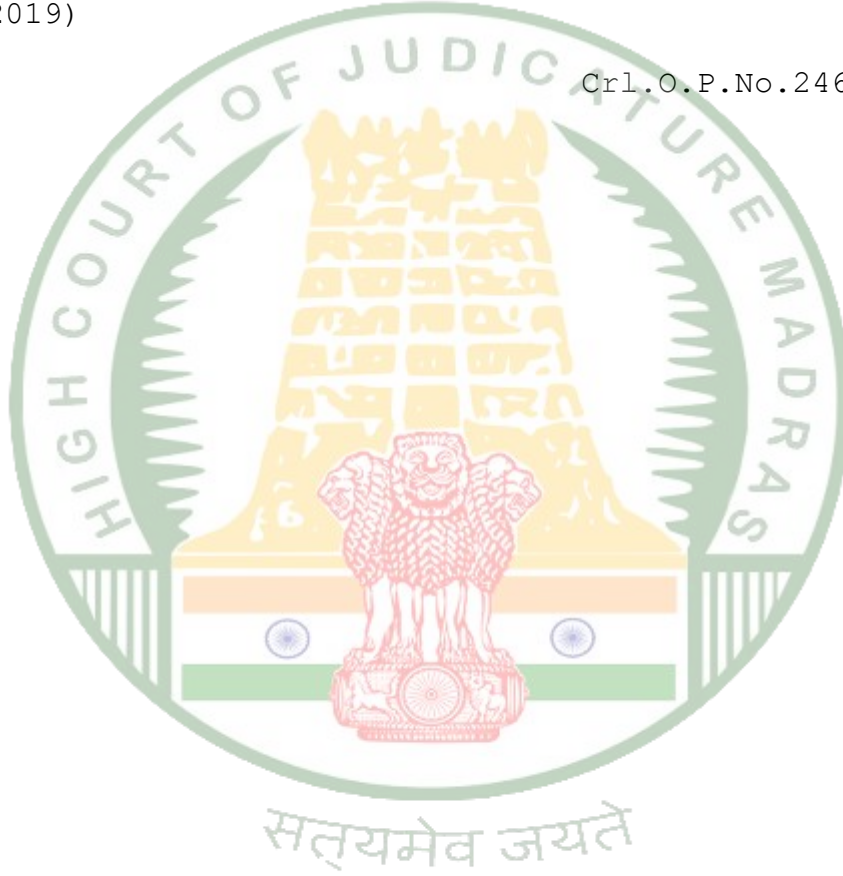
1.The Inspector of Police,
Central Crime Branch, Team IV
EDF Wing, Vepery,
Chennai 600 007.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.S.Nataraj, Advocate, S.R.No.24359

SSD(CO)
CB(22/04/2019)

Crl.O.P.No.24653 for 2014



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