



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.O.P. (MD) No.4316 of 2018

and

Cr1.M.P. (MD) .No.2114 of 2018

1.Sheik Mohaideen

2.S.Mohammed Khalid ... Petitioners/Accused Nos.5 & 6

-Vs-

1.The State rep. by,
The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai. ... Respondent No.1/Complainant
(in Crime No.115 of 2014)

2.G.Annadurai ... 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the First Information Report in Crime No.115 of 2014 dated 16.10.2014 on the file of the respondent No.1 for offence under Sections 109, 406, 420, 294(b) and 506(ii) of IPC, 1860 and quash the same as illegal and as against the petitioner.

For Petitioners	: Mr.T.Lajapathiroy
For 1 st Respondent	: Mr.K.Suyambulinga Bharathi Government Advocate(crl.side)
For 2 nd Respondent	: Mr.S.Sundarapandian

ORDER

This petition has been filed seeking to quash the proceedings in Crime No.115 of 2014 on the file of the first respondent police.

2.The learned counsel appearing for the petitioners would submit that in so far as the petitioners are concerned arrayed as A5 and A6. They were subsequent purchaser of the subject property. Further, the disputed amount, which was originally received by the petitioners was Rs.15,60,000/-. Now, the petitioners in Cr1.O.P. (MD).No.4316 of 2018 shall undertake to pay a sum of Rs.17,00,000/- by way of two Demand Drafts dated 29.10.2019 drawn at Tamil Nadu Mercantile Bank in DD No.217792 for a sum of Rs.8,50,000/- and DD



No.217791 for a sum of Rs.8,50,000/- in favour of the respondent No.2/Defacto complainant namely, Mr.G.Annadurai as full and final settlement.

3.The learned counsel appearing for the petitioners as well as the learned counsel for the second respondent has filed a Joint Memo of Compromise before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The said compromise is extracted hereunder:

"1.It is respectfully submitted that the petitioners/Accused No.5 and 6 has filed the above criminal Original Petition in Crl.O.P. (MD).No.4316 of 2018 before this Court.

2.The petitioners Mr.Sheik Mohaideen and Mohammed Khalid accused Nos.5 and 6 shall undertake to pay a sum of Rs.17,00,000/- (Seventeen Lakhs) by way of two Demand Drafts dated 29.10.2019 drawn at Tamil Nadu Mercantile Bank in DD No.217792 for a sum of Rs.8,50,000/- and DD No.217791 for a sum of Rs.8,50,000/- in favour respondent No.2/Defacto complainant Mr.G.Annadurai, S/o.Gurusamy in full and final settlement of the claim against the petitioners who are arrayed as the accused Nos.5 and 6.

3.The Respondent No.2/Defacto complainant Mr.G.Annadurai agreed that he or his legal heirs will not claim any civil right over the property which was purchased by the petitioners from Accused Nos.1 to 3 which is the subject matter in the instant case. The Defacto complainant G.Annadurai agrees and consent that he will not have any objection to remove the entries made with the joint Sub Registrar No.4 Madurai by his father, and he will not have objections to remove any encumbrance made by his father in the property which is the subject matter in the instant criminal original petition in Crl.O.P. (MD).No.4316 of 2019 and Defacto complainant G.Annadurai will cooperate for the removal of the same. This compromise will not bind Accused Nos.1 to 4.

4.There is no future civil and criminal liability against the petitioners Mr.Sheik Mohaideen and Mohammed Khalid and Defacto complainant Mr.Annadurai, S/o.Gurusamy out of the cause of action which is the subject matter in the



instant criminal original petition."

4.In view of the above, no useful purpose will be served in keeping the First Information Report pending before the first respondent police. Hence, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.115 of 2014, on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

vsg

ENCL.: XEROX COPY OF JOINT COMPROMISE MEMO.

To

1.The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.95075

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and
Cr1.M.P.(MD).No.2114 of 2018
30.10.2019

TR(09.12.2019) 3P 4C