



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2019

CORAM:

WEB COPY

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

Crl.O.P. (MD).No.15201 of 2019

and

Crl.M.P. (MD)No.9110 of 2019

1.M/s. Nellai Cements Limited

Rep. by Chairman and Managing Director,
Mayavenkatesan

2. Mayavenkatesan

Chairman and Managing Director,
M/s. Nellai Cements Limited

... Petitioners

Vs.

Syed Ahamed Kabeer

Proprietor,

Rep. M/s.Kamal Constructions
(Architects and Builders)

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the complaint under the 138 r/w 142 of Negotiable Instruments Act in S.T.C.No.2719/2006 on the file of the learned Judicial Magistrate No.1, Ramanathapuram and to quash the same.

For Petitioners : Mr.D.Balamurugapandi

For Respondent : Mr.T.R.Jeyapalam

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.2719 of 2006 on the file of the learned Judicial Magistrate No.1, Ramanathapuram

2.The learned counsel for the petitioners would submit that pending the quash petition, the entire cheque amount has been paid to the respondent and the petitioners as well as the respondent also entered into compromise and settled their issue amicably out of Court. The parties i.e., the petitioners and the respondent have signed in the joint compromise memo, dated 18.10.2019. The joint compromise memo, reads as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



"1.The petitioners respectfully submitted that the petitioners/ accused have filed the above Criminal Original Petition praying this Hon'ble Court to quash the complaint of the case in S.T.C.No.2719 of 2006 on the file of the Judicial Magistrate No.1, Ramanathapuram, Ramanathapuram District.

2.The petitioners respectfully submitted that the petitioners herein Chairman and Managing Director of the Nellai Cements Ltd, and the respondent herein proprietor of the Kamal construction and both of them had business transactions in construction works. It is further submitted that the petitioner had proposed to construct "C" type quarters in the project site in Nagampatti Village, Pasuvanthanai Road, Kovilpatti Taluk, Tuticorin District.

3.The petitioners respectfully submitted that the respondent company doing a construction work as stated above hence, the second petitioner gave the project contract to the respondent on 17.04.2004 by the second petitioner to the respondent for completing the construction work.

4.The petitioners respectfully submitted that in the above said circumstances part of the construction work was completed bill amount, sum of Rupees 12,93,708.70 by the second respondent and submitted the running bills to the petitioners herein on 19.07.2005, for that the petitioners / accused issued the cheque bearing No.991681 a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the respondent, on 15.06.2006 with an endorsement that "insufficient fund". Hence, the second respondent filed the above said complaint in S.T.C.No.2719 of 2006 on the file of Judicial Magistrate No.1, Ramanathapuram.

5.The petitioners respectfully submitted that in this circumstances the petitioners approached the respondent herein, for amicable settlement and the same has been accepted by the respondent herein and further he received a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) on 18.10.2019 from the petitioners.

6.The petitioners respectfully submitted that in this above said circumstances the respondent has always ready to withdraw the cse in S.T.C.No.2719 of 2006 on the file of Judicial Magistrate No.1, Ramanathapuram and further he is ready to withdraw. It is submitted that moreover has no objection to allow the above said Cr.O.P. Hence, both the petitioners / accused and the respondent / complainant



herein filed this Joint compromise before this Hon'ble Court."

3. In view of the compromise between the parties, the pendency of S.T.C.No.2719 of 2006, would not serve any purpose. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.2719 of 2006, on the file of the learned Judicial Magistrate No.1, Ramanathapuram, is hereby quashed. The joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Co)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.The Judicial Magistrate No.1,
Ramanathapuram.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

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