

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NOS.13387 & 13388 OF 2018
AND CRL.M.P.NOS.7026 TO 7028 OF 2018

- 1.Vijay Garg,
S/o.Haricharan Garg
- 2.Vikrant Garg,
S/o.Vijay Garg
- 3.T.V.L.Narasimha Rao,
S/o.Sathynarayana
- 4.Sashi Rakesh Tayal,
D/o.Rajkumal Agarwal

....Petitioners
in Crl.O.P.No.13387 of 2018

Vs.

- 1.The State represented by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.211 of 2018)

- 2.P.S.Sundaram,
S/o.Sellappan

...Respondents
in Crl.O.P.No.13387 of 2018

- 1.T.V.L.Narasimha Rao,
S/o.Sathyanarayanan

- 2.Sashi Rakesh Tayal,
D/o.Rajkumal Agarwal

....Petitioners
in Crl.O.P.No.13388 of 2018

Vs.

P.S.Sundaram

...Respondent
in Crl.O.P.No.13388 of 2018

Prayer in Crl.OP.No.13387 of 2018: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime No.211 of 2018, pending on the file of the first respondent viz., The Inspector of Police, Pallipalayam Police Station, Namakkal District and quash the same.

Prayer in Crl.OP.No.13388 of 2018: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.T.C. No.240 of 2018, pending on the file of the Judicial Magistrate, Fast Track Court No.II, Erode and quash the same.

For Crl.OP.No.13387 of 2018

For Petitioners : Mr.Arun Anbumani
For R1 : Mr.C.Iyyappa Raj
Additional Public Prosecutor
For R2 : Mr.N.Damodaran

For Crl.OP.No.13388 of 2018

For Petitioners : Mr.Arun Anbumani
For Respondent : Mr.N.Damodaran

O R D E R

The dispute between the petitioner and the respondent is that the respondent was appointed as agent of Maruthi Cottex Limited. The Director of Maruthi Cottex Limited are Vijay Garg, Vikrant Garg, T.V.L.Narasimha Rao and Sashi Rakesh Tayal. The said Maruthi Cottex Limited was functioning in the state of Andhra Pradesh. The agent was entrusted for the work from Tamil Nadu Handloom Department and for which a memo of understanding dated 17.01.2017. As per agreement, the respondent/agent was paid 6% of the contract amount. There was some dispute with regard to the payment for which respondent lodged a complaint in Crime No.211 of 2018. During transaction some cheque were handed over. These cheques got dishonoured for which a case under Section 138 of Negotiable Instruments Act filed in S.T.C.No.240 of 2018.

2.When the matter is taken up for consideration today (i.e) 30.11.2020, the petitioners as well as the defacto complainant viz., P.S.Sundaram appeared before this Court through video conference along with their learned counsel and submitted that

the issue between them got settled. They have filed a joint memorandum of compromise to that effect.

3.The learned counsel for the petitioners submitted that the defacto complainant and the petitioners/accused were dealing with textiles business. In the course of the business, there was some dispute between the petitioners and the defacto complainant which arise out of commercial / business transaction. Due to the same there have been several criminal cases lodged by the defacto complainant against the petitioners. CrI.O.P.No.211 of 2018 is filed by the petitioner to quash the FIR in Crime No.211 of 2018 before the Pallipalayam Police Station, Namakkal District. CrI.OP.No. 13388 of 2018 is filed to quash the proceedings in S.T.C.No.240 of 2018 filed under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate II, Erode. Other cases are pending before District and Sessions Judge, Nalgonda, Telangana. Thereafter, compromise was arrived between the defacto complainant and the petitioners on 09.08.2018 and the issue has been settled between them peacefully. Hence, both the parties agreed to withdraw their respective case and also to compound the offence.

4.It is further submitted that the Memo of Understanding dated 09.08.2018 filed in Criminal Petition No.8643 of 2018 filed before the High Court of Telangana. Recording the memorandum of understanding dated 09.08.2018, the High Court of Telangana quashed the FIR.

5.The learned Additional Public Prosecutor submitted that as regards Crime No.211 of 2018, on 21.01.2019, on investigation the case was closed as not further action required and RC's.No.6 of 2019 was served to sundaram/complainant. He further submitted that he is not sure whether the RC's.No.6 of 2019 subsequently filed before the concerned Court.

6.Considering the joint memorandum of compromise filed by both the parties and the submissions made by the learned counsel for the petitioners and defacto complainant and taking note of the fact that the issue between the petitioners and the defacto complainant got resolved, this Court inclined to quash the proceedings in both cases.

7.In view of the same, FIR in Crime No.211 of 2018 on the file of the Pallipalayam Police Station, Namakkal District and the proceedings in S.T.C.No.240 of 2018 on the file of the Judicial Magistrate II, Erode is hereby quashed. Accordingly,

the Criminal Original Petitions are allowed. Consequently,
connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CJ CONF)

//True Copy//

Sub Assistant Registrar

rst

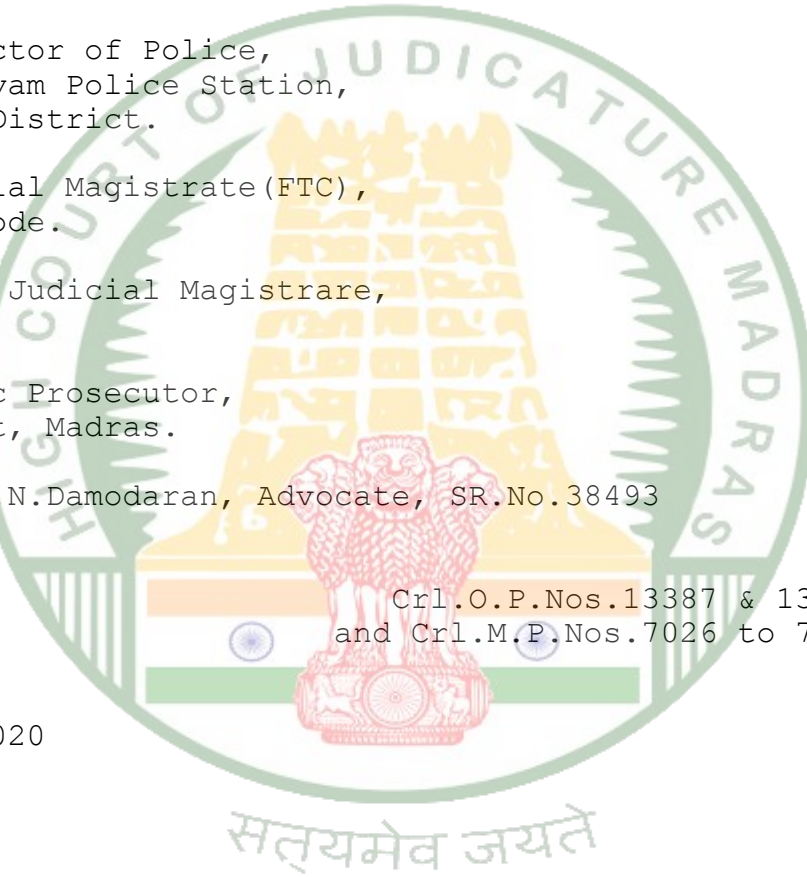
To

- 1.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
- 2.The Judicial Magistrate (FTC),
No.II, Erode.
- 3.The Chief Judicial Magistrare,
Erode.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.N.Damodaran, Advocate, SR.No.38493

Crl.O.P.Nos.13387 & 13388 of 2018
and Crl.M.P.Nos.7026 to 7028 of 2018

KV (CO)
KKV/28/12/2020



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