

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.08.2020

PRONOUNCED ON : 18.08.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.R.C.No.1361 of 2019

Jose Freddy,
S/o.Anto,
No.15, Ground Floor,
12th Main, Malleshpalya,
Bangalore - 560 075.
Represented by his power agent,
Suja Louis,
W.o.Louis,
No.R-25, Commercial Block,
3rd Main Street, M.M.D.A. Mathur,
Chennai - 600 068. Petitioner

1.E.Dhayalan

2.D.Geetha Respondents 1 & 2/
Accused 1 & 2

3.The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai - 57.3rd Respondent/Complainant

Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to set aside the order dated 18.11.2019 passed in C.M.P.No.3490 of 2019 on the file of the Judicial Magistrate Court, Thiruvottriyur and to return the amount Rs.1,71,000/- to the petitioner.

For Petitioner : Mr.K.Saranraj

For RR1 & 2 : Mr.R.Dhanasekar

For R3 : Mrs.P.Kritika Kamal
Government Advocate
(Crl.Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal revision petition is filed seeking to set aside the order dated 18.11.2019 passed in C.M.P.No.3490 of 2019 on the file of the Judicial Magistrate Court, Thiruvottriyur and to return the amount Rs.1,71,000/- to the petitioner.

3. On the complaint lodged by Suja Louis, the police registered a case in Crime No.74 of 2019 on 11.02.2019 for the offences under Sections 406 and 420 IPC, against Dhayalan (A1) and Geetha (A2).

4. It was alleged in the complaint that Suja Louis had joined a chit with Dhayalan (A1) and Geetha (A2) and had paid Rs.3,00,000/- some time between May 2012 and December 2013; her relative Jose Freddy also joined a chit and gave Rs.3,00,000/- to the said accused; however, the accused did not repay the amount and after pressure being put on them, they returned a sum of Rs.2,50,000/- to her and the balance of sum of Rs.50,000/- is due from them; they have not paid any money to her relative Jose Freddy.

5. When the police called Dhayalan (A1) and Geetha (A2) for enquiry, they filed Crl.O.P.No.6443 of 2019 for anticipatory bail, in which, this Court, by order dated 19.03.2019, granted them the relief, on condition that they should deposit a sum of Rs.1,75,000/- in Crime No.74 of 2019 before the Judicial Magistrate Court, Thiruvottriyur. Accordingly, they deposited the said amount in the Court of the Judicial Magistrate, Thiruvottriyur.

6. Jose Freddy filed C.M.P.No.3490 of 2019 in Crime No.74 of 2019 under Section 451 Cr.P.C. before the Judicial Magistrate Court, Thiruvottriyur, for disbursement of the said amount, which was dismissed on 18.11.2019, aggrieved by which, he has filed the present revision petition.

7. When this revision petition came up for hearing on 07.01.2020, the parties were referred for mediation, where, they entered into a settlement agreement on 05.02.2020, the terms of which, are as under:

- "1) Disputes and differences had arisen between the parties hereto and CrI.R.C.No.1361 of 2019 was filed on 02.12.2019 before the Hon'ble High Court, Madras.
- 2) The matter was referred to mediation/conciliation vide an order dated 07.01.2020 passed by Mr.Justice R.MAHADEVAN.
- 3) The parties agreed that Mr.M.Prabaharan, would act as their Mediator/Conciliator.
- 4) Several meetings were held during the process of Mediation/Conciliation from 27.01.2020 to 05.02.2020 and the parties have with the assistant of the Mediator-Conciliation voluntarily arrived at a amicable soulution resolving the above mentioned disputes and difference.
- 5) The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.
- 6) The following settlement has been arrived at between the parties hereto:
- a. The respondents 1 & 2 agreed to permit the petitioner to withdraw the sum of Rs.1,75,000/- already deposited before the Judicial Magistrate, Thiruvottriyur in Crime No.74 of 2019 on the file of the M5-Ennore Police Station.
 - b. In addition to the above, the respondent 1 and 2 agreed to pay a sum of Rs.10,000/- to the petitioner Mr.Jose Freddy, by way of Demand Draft and the same has to be furnished at the time of filing Memo of Compromise before the Hon'ble High Court.
 - c. It is agreed by the petitioner Mr.Jose Freddy to settle the matter amicable and cooperate and co-ordinate to quash the First Information Report in Crime No.74 of 2019 registered against the respondent 1 and 2. respondents have no object to pay the amount lying in the trial Court to Suja Louis, the Power Agent of the petitioner herein.

7) By signing the Agreement the Parties hereto state that they have no further claims and demands against each other with respect to CrI.R.C.No.1361 of 2019 (Crime No.74 of 2019) and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation."

8. As agreed, Dhayalan (A1) and Geetha (A2) have also paid the sum of Rs.10,000/- to Jose Freddy by way of Cheque No.853098 drawn on State Bank of India, Thiruvottiyur.

9. On instructions, Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) submitted that, apart from Jose Freddy and Suja Louis, no one else in the locality have approached the police complaining against Dhayalan (A1) and Geetha (A2). She also submitted the case diary in Crime No.74 of 2019, the reading of which, shows that the police have examined certain other persons, who have joined the chits floated by Dhayalan (A1) and Geetha (A2), but, they have all stated that their monies were returned to them.

10. In view of the above and in order to short circuit the litigation in stead of making the parties in this COVID-19 pandemic situation to file a fresh petition under Section 482 Cr.P.C. to quash the FIR in Crime No.74 of 2009 on the ground that they have arrived at a compromise, this Court deems it just and necessary to quash the FIR in Crime No.74 of 2009 by exercising the power under Section 482 Cr.P.C.

11. This Court also directs the Judicial Magistrate (FAC), Thiruvottriyur, to disburse the sum of Rs.1,75,000/- to Suja Louis/de facto complainant in C.M.P.No.3490 of 2019 in Crime No.74 of 2019 expeditiously, on being properly identified.

In fine, the FIR in M-5, Ennore Police Station Crime No.74 of 2019 is hereby quashed and further direction as stated above is issued to the Judicial Magistrate (FAC), Thiruvottriyur.

Sd/-
Assistant Registrar

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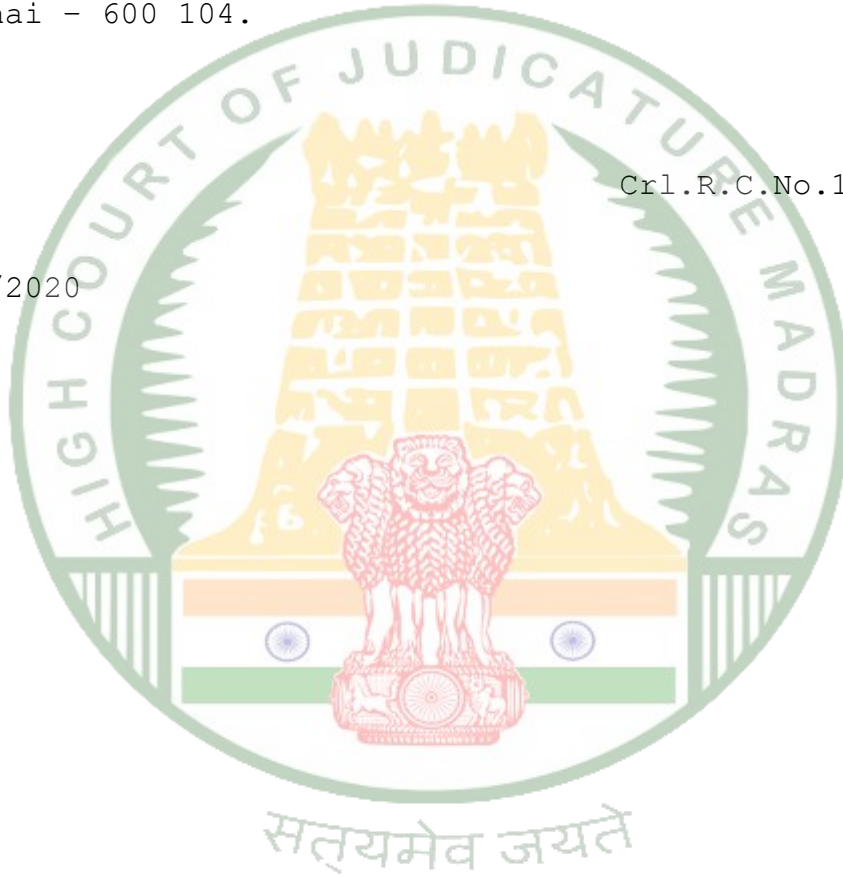
Sub Assistant Registrar

To

1. The Judicial Magistrate (FAC),
Thiruvottiyur.
2. The Inspector of Police,
M-5, Ennore Police Station,
Ennore, Chennai - 57.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Cr1.R.C.No.1361 of 2019

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