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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.O.P.NOS.15459 TO 15461 & 23248 OF 2015

&

M.P.NOS.1, 1 & 1 OF 2015

[Video Conferencing]

1. Mrs.Surekha Kothari,
Director,
M/s.Kothari Industrial Corporation Limited.

2. Mrs.Antara Kothari
Vice President,
M/s.Kothari Industrial Corporation Limited
Both are residing at No.15, 5th Street,
Dr.Thirumurthy Nagar,
Nungambakkam,
Chennai - 34.

... Petitioners in Crl.OP.Nos.15459
and 15461 of 2015

Versus

Mr.A.Rabindran Swamidason ... Respondent in Crl.OP.Nos.15459
to 15461 of 2015

Mrs.Jeyanthi Rabindran Swamidasan
Rep. By Mr.A.Rabindran Swamidasan

... Respondent in
Crl.OP.No.15460 of 2015

1. Mrs.Surekha Kothari,
Non Executive Director,
M/s.Kothari Industrial Corporation Limited,
No.15, 5th Street,
Dr.Thirumurthy Nagar,
Nungambakkam,
Chennai - 600 034.



2. Mrs.Antara Kothari,
Vice President,
M/s.Kothari Industrial Corporation Limited,
No.15, 5th Street,
Dr.Thirumurthy Nagar,
Nungambakkam, Chennai - 600 034.

... Petitioners in
Crl.OP.No.23248 of 2015

Versus

1. The State Rep.by
The Inspector of Police,
Central Crime Branch,
EDF-I, Team I,
Vepery, Chennai - 600 007.

2. A.Rabindran Swamidason

... Respondents in
Crl.OP.No.23248 of 2015

COMMON PRAYER IN CRL.O.P.NOS.15459 TO 15461 OF 2015:-

Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records of the proceedings culminated in CC.Nos.1637, 1668 & 1638/2015 on the file of the Fast Track Court-III, Saidapet, Chennai and quash the same against the petitioners.

PRAYER IN CRL.OP.NO.23248/2015:-

Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records culminating in FIR No.147/2015 dated 20.04.2015 on the file of the First respondent, The Inspector of Police, Central Crime Branch, EDF-I, Team I, Vepery, Chennai 600 007 and quash the same.

For Petitioners in
all OPs

: Mr.S.Sivaraman

For R1 in
Crl.OP.No.23248
of 2015

: Mr.E.Raj Thilak
Additional Public Prosecutor

For Respondent in
Crl.OP.Nos.15459 to
15461 of 2015 & R2 in
Crl.OP.No.23248 of 2015

: Mr.A.Kripakaran



COMMON ORDER

1. Since the issue involved in the present petitions is one and the same, all the petitions are taken up together and a common order is passed.

2. Let me take up Crl.OP.No.23248/2015 first.

3. This petition has been filed seeking to interfere with further investigation in FIR in Crime No.147/2015 dated 20.04.2015 registered by the Inspector of Police, Central Crime Branch, EDF-I, Team-1, Vepery, Chennai, under Sections 406, 420 read with 120-bB IPC against, among others, the petitioners herein.

4. The petitioners have been described as Non-Executive Director and Vice President of M/s.Kothari Industrial Corporation Limited at Nungambakkam.

5. Let me not enter into a discussion on the merits of the allegations raised in the FIR, particularly because the informant, namely A.Rabindran Swamidason, had, with probably prudent advise, thought it necessary to withdraw the allegations and he had also addressed the Investigating Officer of his decision and accordingly, the FIR had also been closed and a Closure Report indicating that prosecution had been withdrawn. had also been filed before the competent Court. A copy of the same had been filed as a document today and presented in the Court.

6. In view of that particular fact, nothing further survives for adjudication in Crl.OP.No.23248/2015. This particular fact is also affirmed by the learned Additional Public Prosecutor appearing for the 1st respondent.

7. It was also pointed out that Mr.A.Rabindran Swamidason, the informant, is also present through Video Conferencing. Mr.A.Kripakaran, learned counsel is also present.

CRL.OP.Nos.15459, 15460 & 15461/2015:-

8. All these three Original Petitions have been filed pursuant to the cheques issued and which cheques when presented for payment, have been returned dishonoured, necessitating in filing of the complaints under Section 200 Cr.P.C., alleging the offence under Section 138 of the Negotiable Instruments Act.

9. The petitioners have filed all these three petitions seeking to interfere with CC.Nos.1637, 1668 & 1638/2015, all of



which are now pending before the Fast Track Court No.3, Saidapet, Chennai. All the three Calendar Cases had been taken cognizance pursuant to the complaints as stated, filed by Mr.A.Rabindran Swamidason, in his individual capacity and also as Power of Attorney Agent of his wife Mrs.Jayanthi Rabindran.

10. Both Mr.A.Rabindran Swamidason and Mrs.Jayanthi Rabindran, are also present through Video Conferencing. They are also assisted by their counsel Mr.A.Kripakaran.

11. As a matter of fact, the copies of their Aadhar Cards have also been filed before this Court.

12. It is also informed that they had entered into a settlement with the petitioners herein on 07.06.2016 and the copy of the said Settlement Agreement has also been presented before this Court.

13. Heard Mr.S.Sivaraman, learned counsel for the petitioners who also affirmed that the petitioners have entered into a settlement with the defacto complainant and which has necessitated entering into a Compromise Deed with the defacto complainant and therefore, the learned counsel urged that a quietus can be given not only to the present petitions but also with further continuation of the aforesaid three Calendar Cases.

14. Since parties have entered into a compromise, it would only be appropriate that this Court also respects such compromise and the decision taken to effect settlement of all issues between them.

15. It is also further appropriate that in view of such a compromise, further proceedings in CC.Nos.1637, 1668 and 1638/2015 now pending on the file of the Fast Track Court No.3, Saidapet, Chennai, are quashed.

16. This Court places it deep appreciation to both Mr.S.Sivaraman, learned counsel for the petitioners and Mr.A.Kripakaran, learned counsel for the respondent/defacto complainant for having appropriately advised their respective clients to enter into this compromise which gives a quietus to all the adversial litigations between the parties.

17. In the result,

[a] CrI.OP.No.23248/2015 is allowed and FIR in Crime No.147/2015 on the file of the Inspector of Police, Central Crime Branch, EDF-1, Team-1, Vepery, Chennai, is quashed.



[b]Crl.OP.Nos.15459 to 15461/2015 are disposed of and further proceedings in CC.Nos.1637, 1668 and 1638/2015 now pending on the file of the Fast Track Court-III, Saidapet, Chennai, are quashed.

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18. The documents filed, namely the copy of the Aadhar Cards, Settlement Agreement and the notice to the respondent by the police indicating closure of the FIR, are also annexed with the order copy for reference and for the records of the Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP

* Xerox copies of the Aadhar Card of the defacto complainant and his wife, Settlement Agreement and Notice to the respondent by police as well as the Memo filed by the respondent/defacto complainant are herewith annexed with this order copy.

To

1. The Fast Tract Court-III,
Saidapet, Chennai.
2. The Inspector of Police,
Central Crime Branch,
EDF-1, Team-1,
Vepery, Chennai.
3. The Public Prosecutor,
High Court, Chennai.

+4ccs to Mr.S.Sivaraman, Advocate, S.R.Nos.55336 to 55339

CRL.OP.NOS.15459 TO 15461 &
23248 OF 2015

PL(CO)
PBS/17/11/2021