

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.25053 of 2016andCrIMP No.12137 of 2016 and Crl MP No.13752 of 2016

1. Muthu Gounder Palanisamy

2. Chellammal Palanisamy

...Petitioners /

Accused 1 and 2

Vs.

Arun Palaniswamy

... Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.2702 of 2016 on the file of XVII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same in respect of petitioners.

For Petitioners : Mr. K.Rajasekaran

For Respondent : Mr.R.Kumar

ORDER

This Criminal Original petition has been filed to quash the proceedings in C.C.No.2702 of 2016 on the file of XVII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The case of the petitioner is that he had two sons. Elder son, who was a Doctor had met with an untimely death in a road accident and he left behind his wife and a son. Unfortunately, the widow daughter in law also died by drowning into the sea. The defacto complainant, who is none other than the younger son of the accused. The gist of the case is that the 1st petitioner/accused was working in Nigeria in a senior position and he has been transferring money to the account of the respondent/complainant, who is in USA. Out of the said amount, the respondent purchased properties. The difficulty arose when the respondent do not want a penny from the earning of the 1st petitioner to be given to minor grand son. The defacto complainant filed a complaint against these petitioners before

the learned XVII Metropolitan Magistrate Court, Saidapet, under Section 200 of Cr.PC. A criminal complaint was registered in C.C.No.2702 of 2016 for the alleged offense under Section 405 of IPC against these petitioners. Challenging the said proceedings, the petitioners/Accused filed this Criminal Original petition to quash the same.

2. The learned counsel for the petitioners submitted that simultaneously, the defacto complainant filed a Civil suit in C.S.No.246 of 2017, wherein, there was a compromise entered into between parties and therefore, this Court vide order dated 09.12.2019 had dismissed the said suit and also produced a order copy to that effect.

3. The learned counsel appearing for the respondent has also agreed to the said submission made by the learned counsel for the petitioner.

4. In view of the above, nothing survives in this petition and accordingly, the same stands closed. Consequently, the connected miscellaneous petitions are also closed.

22.06.2021

Index: Yes / No

Speaking order/Non-speaking order

rka

To

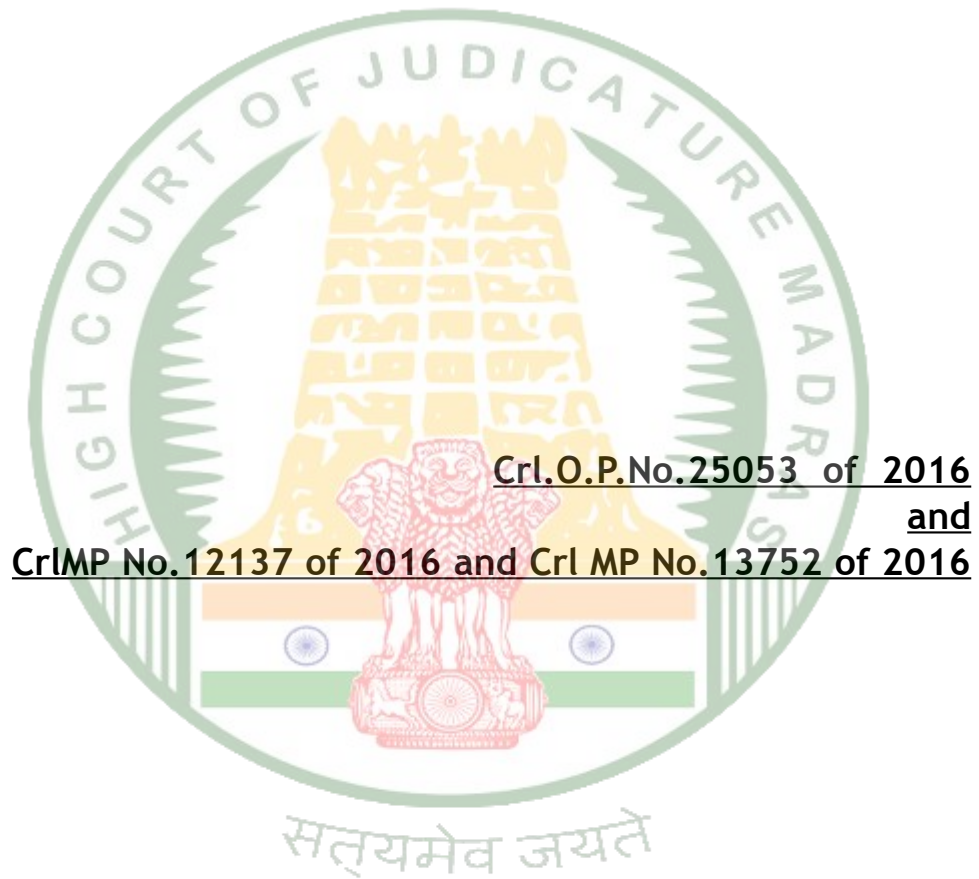
1. XVII Metropolitan Magistrate Court, Saidapet, Chennai
2. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

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V.BHAVANI SUBBAROYAN.,J

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