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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.12429 OF 2021

Mohammed Taslim

...Petitioner

Versus

1.The Inspector of Police,
Central Crime Branch, Team 9A
Vepery, Chennai-7

2.Mr.Valliappan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.6970 of 2016 pending originally on the file of the III Metropolitan magistrate, George Town, Chennai, now transferred to XI Metropolitan Magistrate cum CCB-CBCID Court, Egmore, Chennai and quash the same as against the petitioner.

For Petitioner : Mohammed Taslim
(party-in-person)

For Respondents : Mr.R. Vinothraja,
Government Advocate (Crl. Side)
for R1

: M/s. Sangeetha Arunachalam,
for R2

ORDER

This Criminal Original Petition has been filed to quash the case in C.C.No.6970 of 2016 , now, pending on the file of the XI Metropolitan Magistrate cum CCB-CBCID Court, Egmore, Chennai.

2. Totally, there are six accused and the petitioner is arrayed as A4. The case of the prosecution is that the towards the goods supplied by the 2nd respondent/defacto complainant, the accused issued cheques in favour of the 2nd respondent and



the same were returned on the ground of "Stop payment" and the total amount involved in this case is Rs.3.70 Crores. Hence, he lodged a complaint before the 1st respondent police. On receipt of the same, a case in Crime No.318 of 2012 was registered on the same day for the offences under Sections 406, 409, 420 & 120(b) r/w. 34 of IPC.

3.The case is still at the stage of investigation. By passage of time, the petitioner/A4 and the 2nd respondent/defacto complainant have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. The learned counsel appearing for the 2nd respondent/defacto complainant submitted that the petitioner/A4, namely Mohammed Taslim, had discharged his dues payable by way of Demand Draft and he filed an affidavit, dated 02.12.2021, to that effect, before this Court.

5. Today, The petitioner and the 2nd respondent are present before this Court in person.

6. In the Affidavit filed by the 2nd respondent, he confirms the petitioner/A4 arriving at a compromise with him and discharged the dues payable to him by way of Demand Draft, and expressed his readiness and no objection to quash the case C.C.No.6970 of 2016 so far as the petitioner is concerned.

7. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. Further the Transaction and Cause of action of petitioner/A4 is distinct one. The compromise will no way affect the case of petitioner to proceed with the case as regards other accused.

8. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in C.C.No.6970 of 2016 on the file of the Metropolitan Magistrate CCB-CBCID Court, Egmore so far as the petitioner/A4 is concerned.

9. This Criminal Original Petition stands allowed and as a sequel, the case in C.C.No.6970 of 2016 on the file of the XI Metropolitan Metropolitan Magistrate CCB-CBCID Court, Egmore,



is quashed as against the petitioner /A4, namely, Mohammed Taslim, only.

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Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

mrp

To

1.XI Metropolitann Magistrate cum CCB-CBCID Court,
Egmore, Chennai

2.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai-7

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.Akkavirayan, Advocate SR.No.65883

CRL.O.P.No.12429 of 2021

CP(CO)
RVM(27/12/2021)