



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17979 of 2020 and
Crl.M.P.No.7025 of 2020

1.Sumathi
2.Bindhya
3.Priyadharshini
4.Sathish
5.Deebak Kumar
6.Srinivasan
7.Selvarasu

... Petitioners

Versus

1.State of Tamil Nadu,
Rep by Inspector of Police,
Palur Police Station,
Chengalpattu District.

2.Mrs.Subashini rep. by
her Power Mr.S.Jaya Pradap Babu,
S/o.K.Subash,
No.04/10, Jai Nagar 1st Nagar,
Arumbakkam, Chennai-600 106.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.564 of 2020 before the 1st respondent Police and quash the same.

For Petitioner : Mr.T.Gowthaman

For R1 : Mr.E.Raj Thilak,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition filed to quash the FIR in Crime No.564 of 2020, on the file of the 1st respondent Police.

2.The case of the prosecution is that the 2nd respondent is the Partner of M/s.Neo Ayakrishna Brick Industry. The



partnership firm was in the business of manufacture and sale of bricks, jelly etc., on the terms and conditions in the Deed of Partnership, dated 21.06.1999. Under the said Deed, one Sampath Kumar is authorized to act as Managing Partner. All the books of account and other documents were maintained by Sampath Kumar. From the year 2016 onwards, various issues cropped up between Subashni and the family of Sampath Kumar regarding the management and operations of the group entities. Sampath Kumar used the Accountant Selvaraj to make up accounts and swindled the money of the group entities and cheated. Further, it came to light that the said Sampath Kumar purchased various properties in his own name and in the name of his wife and daughters from the funds of the firm and he did not render account for the properties purchased by him. Thereafter, the said Sampath Kumar died on 18.03.2018. After his demise, the legal heirs of Sampath Kumar, the 1st to 6th petitioners herein, fraudulently induced the said Subashni and swindled away all the properties purchased without her knowledge from the revenue generated by M/s.Neo Ayakrishna Brick Industry. Thereafter, all the petitioners had taken illegal possession of the same and had put a lock and restrained Subashni from entering the said premises. Further, the petitioners were trying to use fake document created by them to transfer properties and assets belonging to the firm. Thus, the petitioners had fraudulently and dishonestly misappropriated the funds to the tune of Rs.2,50,00,000/- of the firm with an intention of defrauding and cheating Subashini. Hence, she lodged a complaint against the petitioners before the 1st respondent Police. On receipt of the same, the 1st respondent Police registered a case in Crime No.564 of 2020, for offence under Sections 420, 468, 471 and 477A IPC.

3.The learned counsel for the petitioners submitted that there was some misunderstanding between the petitioners and the 2nd respondent which eventually led to the 2nd respondent lodging the complaint against the petitioners. He further submitted that the parties decided to settle the issues between them and compound the same. They have also entered into a memorandum of understanding dated 26.09.2020 between themselves and the same has been produced before this Court. Hence, he prayed for quashing the FIR against the petitioners herein.

4.The case is at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.It is seen that after due deliberations and discussions, to give quietus to the entire disputes, the petitioners and the 2nd respondent have mutually decided to settle the issues between them. Further, they have also entered into a Memorandum of Compromise dated 26.09.2020, in which one of the condition is



WEB COPY

that both the parties to withdraw respective cases filed against each other and the petitioners will file a Quash Petition before this Court to quash the FIR in Crime No.564 of 2020 against the petitioner and the 2nd respondent will convey no objection for the same.

6.A Joint Compromise Memo has been filed before this Court on 09.12.2020. The 2nd respondent present through video conference, identified by the respective counsel. This Court also enquired the 2nd respondent and was satisfied that the parties have come to an amicable settlement between themselves.

7.Under such circumstances, no useful purpose will be served in keeping the investigation pending, even though the offences involved are not compoundable in nature.

8.In view of the guidelines rendered by the "Hon'ble Apex Court in the case of Gian Singh Vesus State of Punjab reported in (2012) 10 SCC 303" and the offences are in compounding offences, this Court is inclined to quash the FIR against the petitioners.

9.This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.564 of 2020, on the file of the 1st respondent is quashed against all the petitioners. Consequently, the connected Miscellaneous Petition is closed.

*Xerox copy of the Memo of Compromise Enclosed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
Palur Police Station,
Chengalpattu District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Gowthaman, Advocate, S.R.No.33582

CRL.O.P.No.17979 of 2020

PCH(CO)
CB(18/08/2021)