



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19277 of 2021

1.Rathnavelu
2.Parvin Bobby
3.Ismail
4.Purushothaman

...Petitioners/Accused

Versus

1.The State by Inspector of Police

***Pallavaram Police Station**

Chennai. (Crime No.1098 of 2020.) ...1st Respondent/Complainant

2.R.M.Lakshmanan

Managing Director,
Euro Ledger Fashion Ltd.,
No.10, Pamman Koil Street,
Pallavaram, Chennai - 43.

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1098 of 2020 dated 31.12.2020 on the file of the first respondent Police and to quash the same.

For Petitioners	:	Mr.P.Suresh Babu
For Respondent	:	Mr.A.Damodaran for R1 Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the F.I.R. in Crime No.1098 of 2020 dated 31.12.2020 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioners being the employees of the second respondent Company had misappropriated certain amount and hence, the complaint dated 29.12.2020 was lodged by the second respondent and the same was registered in Crime No.1098 of 2020 dated 31.12.2020 for the offences under Sections 120B, 408, 418 and 420 of IPC.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in the Charge Sheet. The



petitioners and the de-facto complainant are the employees and owner, respectively. Due to misunderstanding, a false complaint had been lodged against the petitioners. Now, after the intervention of respectable known persons, they have settled the dispute between them by way of a compromise. Hence, the petitioners have filed this petition to quash the charge sheet in Crime.No.1098 of 2020.

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

5. An Affidavit dated 06.10.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent appeared in person before this Court and the petitioners are present through Video conferencing. In the affidavit, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.1098 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.1098 of 2020.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.1098 of 2020, on the file of the 1st respondent police, is quashed and the terms of affidavit shall form part and parcel of this order.

Encl.: Xerox copy of Joint Compromise Memo

Sd/-

Assistant Registrar(CS-VI)

Dated : 16.11.2021

***Amended as per the Order
of this Court dated 28.04.2022
made in CrI.M.P.No.5923 of 2022
in CrI.O.P.No.19277 of 2021 (By ADJCJ)**

Sd/-

Assistant Registrar(CS-VI)

Dated : 12.05.2022

// True Copy //

Sub Assistant Registrar

dna



To

1. The Inspector of Police,
***Pallavaram Police Station,**
Chennai.
Crime No.1098 of 2020.

2. The Public Prosecutor,
High Court, Madras.

+5ccs to Mr.P.Suresh, Advocate, S.R.No.**29777**

**To be Substituted
to the Order
already despatched
on 28.12.2021**

CRL.O.P.No.19277 of 2021

GJ(CO)
SU(29/11/2021)
RVM(16/05/2022)