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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21644 of 2021

K.Prabhu

... Petitioner

Versus

1.The Inspector of Police,
M4 Redhills Police Station,
Redhills,
Chennai - 600 052

2.V.P.Gnanasekaran

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR Crime No.757 of 2021 dated 12.06.2021 on the file of the M4, Redhills Police Station and quash the same.

For Petitioner : Mr.A.Viswanathan

For Respondents : Mr.R.Vinothraja
Govt. Advocate (Crl.side) for R1
Mr.R.Chithiraputhiran for R2

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.757 of 2021 dated 12.06.2021 on the file of the M4, Redhills Police Station.

2.The case of the prosecution is that the 2nd respondent is the paternal uncle of the petitioner, who is running a service center company in the name and style of "Chennai Diesel & Electrical Service" at No.2/495, Thiruvallur Main Roadm Mundiyanman Nagar, Redhills, Chennai - 52. From the year 2004, the 2nd respondent is holding a dealership contract with BOSCH for vehicle service center and the petitioner is also working along with the 2nd respondent for mechanic and service purpose. The 2nd respondent purchased a car "TOYOTA Qualis" bearing registration No.TN 58 S 7777 for the company. The petitioner is alleged to have used the said car for his own purpose and thereby, caused misappropriation of fund. Hence the 2nd respondent lodged a complaint before the 1st respondent Police and the same was registered in Crime No.757



of 2021 for offence under Sections 420, 407 and 506(ii) of IPC.

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

4. The accused and the 2nd respondent have filed the Joint Compromise Memo. The petitioner and the 2nd respondent are present. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the Joint Compromise Memo reads as follows:-

"1. The parties to this Memorandum of Understanding (MOU) and Joint Compromise Memo, viz., the party of the first part had received a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) towards Full and Final settlement for all their claims and assures the party the Second part that no further payment will be made to Party of First Part by the Second Part in future.

2. The party of the First Part agrees and undertakes that he will not claim any further payment in future;

3. The party of the First part Namely Mr.V.P.Gnanasekaran hereby agrees and undertake to withdraw the complaint given by them to the M4-Redhills Police Station, Madhavaram, and also co-operate to quash the FIR proceeding in crime No.757 of 2021 before the Hon'ble High Court Madras.

4. Also undertakes to withdraw the original suit proceedings in O.S.No.4328/2021 before 23rd Additional City Civil Court, Chennai filed by K.PRABHU the party of the Second Part against the Party of First Part.

5. The party of the Second part has paid today 16.07.2021 a sum of Rs.10,00,000/- (Rupees Ten Lakhs) by cash to the party of the First Part and the balance amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only) was paid by way of Three Cheques, for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) vide Cheque no."000153" dated 22.07.2021 of City Union Bank, Velappanchavadi Branch, IFSC Code:CIUB0000395 and for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) vide Cheque no."000154" dated 26.07.2021 of City Union Bank, Velappanchavadi Branch, IFSC Code:CIUB0000395 and for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) vide Cheque no."000155" dated 28.07.2021 of City Union Bank, Velappanchavadi Branch, IFSC Code:CIUB0000395 paid by the second party to the First Party.



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Understanding (MOU) and Joint Compromise Memo shall in full force and both the parties have reserves the right to take legal action, if any violation by the parties to the terms and conditions of this Memorandum of Understanding (MOU) and Joint Compromise Memo.

7. The party of the First part agreed to handover the company (including all machines, Tools, Tables, Furniture's & Fixtures and other machinery Equipments) to the party of the second part and the party of the First part giving the assurance that they will not entrify/disturb in party of the Second part's business activities and personal life in future. The party of the first part agreed that they have no rights to make personal/official relationship with the party of second part.

8. The party of the First Part Agreed and undertake that they will withdraw the complaint given by them against the party of the Second part to Bosch company and the party of the First Part Agreed to give no objection letter to Bosch company to run the business under the style of Chennai Electrical service.

9. The terms and conditions of this Memorandum of Understanding (MOU) and Joint Compromise Memo are mutually agreed by the all the parties. "

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report 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 Gujarath), 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 First Information Report in Crime No.757 of 2021, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a sequel, the investigation in Crime No.757 of 2021 dated 12.06.2021, on the file of the 1st respondent police, is quashed against the petitioner.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar



To

1. The Inspector of Police,
M4 Redhills Police Station,
Redhills,
Chennai - 600 052

2. The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.A.Viswanathan, Advocate SR. No.62536

CRL.O.P.No.21644 of 2021

GJ (CO)
PR (09/12/2021)