



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

CRL.OP.NO.3722 OF 2017
AND CRL.M.P.NO.2744 OF 2017

1.VCAN Network (P) Ltd.,
No.17/A, Muthuramalingam Street,
Rajai Colony,
Saligramam,
Chennai - 600 093.

2.R.Radhakrishnan,

3.R.Vivekandandan

...Petitioners

Vs

State rep. by
The Inspector of Police,
Economic Offence Wing II,
Salem.
(Crime No.4 of 2004)

...Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, prayed to call for the records and quash the charge sheet in C.C.No.56 of 2013, pending trial on the file of the Chief Judicial Magistrate, Salem.

For Petitioners : Mr.R.C.Paul Kanagaraaj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.56 of 2013, pending trial on the file of the Chief Judicial Magistrate, Salem.

2.The case of the defacto complainant was that a sum of Rs.65,890/- was deposited by them with V CAN Network Private Limited, first petitioner herein and the same was not returned. Therefore, he lodged a complaint before the respondent against the petitioners and the same was registered in Crime No.4 of



2004, for the offence under Section 420 IPC and Section 5 r/w 3 & 4 of the Price Chits and Money Circulation Scheme (Banning) Act, 1978. After the completion of investigation, the respondent filed a final report in C.C.No.56 of 2013, which is pending before the Chief Judicial Magistrate, Salem.

3.The learned counsel for the petitioners would submit that, the defacto complainant lodged a complaint against the petitioners. After the complaint, the deposits of seven other complainants were repaid. The remaining two persons, who deposited a sum of Rs.15,000/- each have settled the issues and a Joint Memo of Compromise has been filed before this Court on 22.10.2021. In this regard, Mr.R.Sakthivel, Special Sub-Inspector of Police, Economic Offence Wing II, Salem, appeared before this Court and informed about the receipt of the deposit amount by the other seven complainants and further stated that their statement under Section 161 of Cr.P.C., also recorded in this regard.

4.Mr.Gnanasekaran-defacto complainant and Mr.Ponnuvel-complainant/LW2 appeared before this Court through video conference and identified by Mr.P.Elangovan, learned counsel, submitted that they have received a sum of Rs.15,000/- each and signed in the Joint Memo of Compromise.

5.Mr.L.Baskaran, learned Government Advocate (Crl.Side) would submit that, 161 statement cannot be taken as a evidence and he made a strong objection that unless and otherwise the remaining seven persons appear before the Court and state that they have received the amount, the order cannot be passed in the strength of the 161 statement.

6.Heard Mr.R.C.Paul Kanagaraj, learned counsel for the petitioners, Mr.L.Baskaran, learned Government Advocate (Crl.Side) and Mr.P.Elangovan, learned counsel for the defacto complainant and LW2

7.In the present case, a complaint was lodged against the petitioners herein by the defacto complainant seeking a sum of Rs.65,890/-, deposited by him and the other complainants to the first petitioner. Out of Rs.65,890/-, Mr.Gnanasekaran/defacto complainant and Mr.Ponnuvel/LW2, deposited a sum of Rs.15,000/- each and the remaining sum of Rs.35,890/- was deposited by the seven other persons each Rs.5,000/-. On the receipt of the summons, they all appeared before the respondent Police and their statement was recorded under Section 161 of Cr.P.C.

8.Today, when the matter is taken up for hearing, Mr.R.Sakthivel, Special Sub-Inspector of Police, Economic Offence Wing II, Salem, appeared before this Court and informed



that seven complainants have received the amount from the first petitioner. This Court trust and believe the submission of Mr.Sakthivel, Special Sub-Inspector of Police, Economic Offence Wing II, Salem and the 161 statement. As long as the Court does not have any doubt in the sanctity of the 161 statement and the statement of the Special Sub-Inspector of Police, there is no need to relegate the parties into the trial, when the defacto complainant intended to compromise the case with the petitioners. This Court firmly believe the 161 statement and the statement of Special Sub-Inspector of Police, Economic Offence Wing II, Salem. Further, Mr.Gnanasekaran/defacto complainants, and Mr.Ponnuvel/LW2 also appeared before this Court and stated that they have received the amount and have filed a Joint Memo of Compromise. Since the matter has already settled and the offences are compoundable, this Court while recording the compromise, is inclined to quash the proceeding in C.C.No.56 of 2013, on the file of the Chief Judicial Magistrate, Salem, as no more further adjudication warranted in this case.

9.In view of the above, the proceeding in C.C.No.56 of 2013, on the file of the Chief Judicial Magistrate, Salem is quashed and the Criminal Original Petition is allowed in terms of compromise. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To:

1.The Chief Judicial Magistrate,
Salem.

2.The Inspector of Police,
Economic Offence Wing II,
Salem.

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JPL(CO)
RVM(22/11/2021)