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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL.O.P.NO.30906 OF 2019

AND

CRL.M.P.NOS.16785 AND 16786 OF 2019

1.J.Arunmozhi Varman

2.Ravichandran

...Petitioners

Vs.

1.State by

Assistant Commissioner of Police

Central Crime Branch

Vepery, Chennai - 600 007

(Crime No.51 of 2005)

2.S.Rajasekaran

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for records and quash the further proceedings as against the petitioners herein, in C.C.No.163 of 2012 on the file of the learned Judicial Magistrate, Alandur.

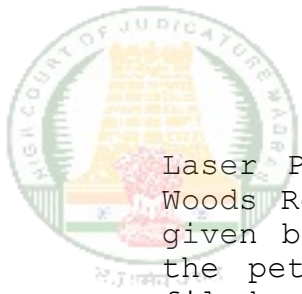
For Petitioner : Mr.A.Ashwinkumar

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the further proceedings as against the petitioners herein in C.C.No.163 of 2012 on the file of the learned Judicial Magistrate, Alandur.

2. The case of the petitioners herein is that they are arrayed as A3 and A4 in C.C.No.163 of 2012 on file by the learned Judicial Magistrate, Alandur. They were working as Managers under A1 and A2 who are the Proprietors of M/s. Alfa



Laser Printing, B.R. Complex, Door No.27 and 28 (1st Floor), Woods Road, Chennai - 600 002. While so, based on the complaint given by the defacto complainant/R2, FIR was registered against the petitioners and others and subsequently, final report was filed and the same was taken on file by the learned Judicial Magistrate, Alandur in C.C.No.163 of 2012. Against which, A1 and A2 had filed a quash petition before this Court in Crl.O.P.No.23742 of 2016. In the meantime, a settlement was arrived between A1, A2 and the defacto complainant and a joint compromise memo dated 31.01.2019 was also filed before this Court. Since, there was an amicable settlement arrived based upon the joint compromise memo, this Court vide order dated 31.01.2019, quashed the proceedings in C.C.No.163 of 2012 under Section 482 Cr.P.C. as against A1 and A2 who are the main partners of the firm. The said order is also filed along with this petition based on which, the counsel for the petitioners submits that the matter between the main partners of the firm/A1 and A2 and the defacto complainant itself has been settled already, whereas, the petitioners being workers/Managers of the firm are still facing the litigation. Hence, he prays to quash the proceedings against the petitioners. He would further submit that now the case has been transferred to C.C.No.120 of 2020 on the file of the learned Judicial Magistrate, Tambaram.

3. The learned Government Advocate (Crl. Side) would admit that there was an order of quash against the main partners / A1 and A2 in Crl.O.P.No.23742 of 2016 dated 31.01.2019.

4. On a perusal of the order passed in Crl.O.P.No.23742 of 2016 dated 31.01.2019, it is seen that the proceedings against the main partners of the firm/A1 and A2 in C.C.No.163 of 2012 on the file of the learned Judicial Magistrate, Alandur, has been quashed based on the settlement arrived between the parties and the joint compromise memo has also been made as part and parcel of the order. Further, now the case in C.C.No.163 of 2012 on the file by the learned Judicial Magistrate, Alandur, has been transferred to C.C.No.120 of 2020 to the file of the learned Judicial Magistrate, Tambaram.

5. Considering the fact that the proceedings against A1 and A2 has already been quashed based on the joint compromise memo executed between the defacto complainant and A1 and A2 who are the main partners of the firm, there is no meaning in keeping the proceedings pending against the petitioners who are the workers/Managers of the firm and they should not be harassed even after the dispute is settled between the parties. Hence, the proceedings against the petitioners in C.C.No.120 of 2020 on the file of the learned Judicial Magistrate, Tambaram, stands quashed.



6. Accordingly, the Criminal Original Petition stands allowed. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Alandur.
- 2.The Judicial Magistrate,
Tambaram.
- 3.(do through) The Chief Judicial Magistrate,
Egmore, Chennai.
- 4.The Assistant Commissioner of Police,
Central Crime Branch,
Vepery, Chennai - 600 007.
- 5.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.A.Ashwin Kumar, Advocate Sr.No.65578

Cr1.O.P.No.30906 of 2019

AD(CO)
RVM(05/01/2022)