



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : .11.03.2022

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.5623 of 2016

1.K.Samath

2.S.Devakumar

3.Dr.Lathapriya

...Petitioner/ Accused 2-4

Vs.

R.Arumugam

...Respondent/ Complainant

Prayer :- Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.22 of 2016 pending on the file of the learned Judicial Magistrate, Gudiyatham and quash the same as not maintainable.

For Petitioners : M/s.S.Santhan

For Respondent : M/s.M.Kamaraj

ORDER

This is a petition to call for the records pertaining to the proceedings in C.C.No.22 of 2016 pending on the file of the learned Judicial Magistrate, Gudiyatham and quash the same.

2.C.C.No.22 of 2016 came to be instituted on the basis of private complaint filed by respondent against the petitioner under Section 200 Cr.P.C. The main allegations made in the complaint is that, the petitioners after receiving a sum of Rs.5,00,000/- as a part of sale consideration entered into a sale agreement with respondent and later resiled from their commitment and failed to execute the sale deed.

3.When the matter is taken up today, the respondent and his counsel present. The respondent filed an affidavit along with a memorandum of understanding. It is seen from the memorandum of understanding that the petitioner and respondent had entered into an arrangement, thereby a sum of Rs.10,00,000/- was paid to the respondent. Therefore, respondent has no objection to quash



the proceeding in C.C.No.22 of 2016 and filed affidavit in this regard.

4.In view of the amicable settlement of issue between the parties and also the fact that the issue between the parties has an element of civil dispute and now the dispute is resolved, this Court on recording the affidavit filed by the respondent, quashes C.C.No.22 of 2016 pending on the file of the learned Judicial Magistrate, Gudiyatham, against the petitioners.

5.Accordingly, this Criminal Petition is disposed. No costs. Original memorandum of understanding is ordered to be returned to the petitioners, on being substituted with the copy. The affidavit of respondent R.Arumugam and the copy of the memorandum of understanding are to form part of this order.

(*)Enclosed the Xerox Copy of Memorandum of Understanding

(*)Enclosed the Xerox Copy of affidavit of Respondent R.Arumugam

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Gudiyatham

2.Do Through The Chief Judicial,
Magistrate Vellore.

Copy To:

The Section Officer,
E.R Section, High Court, Madras.

+1cc to Mr.S.Santhan, Advocate, S.R.No.16948

CRL.O.P.No.5623 of 2016

SKM(CO)
SB(28/03/2022)