



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13239 OF 2022

AND

CRL.M.P.NO.7103 OF 2022

A.Babu Vinifread

...Petitioner

Vs.

1.The State Rep.

The Inspector of Police, (Team-1), EDF-I,
Central Crime Branch-II.
Vepery, Chennai.
Crime No.10 of 2022.

2.P.Gnanasekaran

...Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR registered in Crime No.10 of 2022 on the file of the Inspector of Police, (Team-1), EDF-I, Central Crime Branch-II, Chennai.

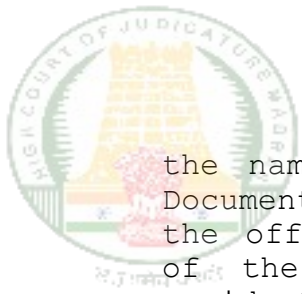
For Petitioner : Mr.V.Karthikeyan for
M/s.S.Joel

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R1

O R D E R

The Criminal Original Petition has been filed to call for the records in Crime No.10 of 2022 on the file of the first respondent police and quash the FIR against the petitioner.

2.The case of the prosecution is that the defacto complainant/2nd respondent is doing construction business in the name and style of "Vishnu Builders". The Defacto Complainant is the power Agent of one Mr.Shivakumar and his wife Mrs.Vathsala Sivakumar, who were the owners of the vacant land, situated in Plot Nos.119, 120, 1st Main Road, Sri Krishna Nagar, Maduravoyal, Chennai, both the plots measuring totally to an extent of 7200 Sq.Ft (3 Grounds). The property was purchased and registered in



the name of the petitioner vide two sale deeds registered as Document Nos.7741 of 2018 and 7742 of 2018 on 21.12.2018 before the office of Sub Registrar, Virugambakkam. As per the request of the petitioner, the defacto complainant constructed 18 residential flats in the said property and the cost of construction was not paid by the petitioner. It is further alleged that, for meeting the financial requirements of the petitioner, the defacto complainant had arranged loan through his friends and the same was also not repaid. Hence, the defacto complainant filed a complaint against the petitioner and FIR was registered in Crime No.10 of 2022 for the alleged offences under Sections 417 and 420 of IPC.

3.The learned counsel for the petitioner submitted that after the registration of the FIR, in a view to settle the matter amicably, the petitioner and defacto complainant had entered into a negotiation and in the negotiation, the disputes between them, which are the subject matter of the FIR registered in Crime No.10 of 2022, pending investigation on the file of the respondent police, were settled amicably vide Memorandum of Understanding entered into between them on 26.05.2022. Hence, the petitioner has filed this petition to quash the FIR in Crime No.10 of 2022.

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.The Memorandum of Understanding dated 26.05.2022 has been produced by the parties before this Court. Both the de-facto complainant and the petitioner are present before this Court today and they were identified by the respondent's counsel and also the investigating agency. In order to identify the respective parties they have also produced the copies of the Aadhaar Card, which are made part of the record. In the Memorandum of Understanding, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.10 of 2022. 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., is inclined to quash the First Information Report in Crime No.10 of 2022.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.10 of 2022, on the file of the 1st respondent police, is quashed and the terms of the Memorandum of Understanding dated 26.05.2022 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Encl.: Xerox copy of Joint Compromise Memo

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

ssr

To

1. The Inspector of Police, (Team-1), EDF-I,
Central Crime Branch-II.
Vepery, Chennai.

2. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.S.Joel, Advocate, Sr.No.36219, 36659

Cr1.O.P.No.13239 of 2022

BD(CO)
RVM(23/06/2022)