



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23610 OF 2021 AND
CRL.M.P.NO. 12984 OF 2021

1.Mr.Sathyam Naidu

2.Mrs.J.Nagalakshmi

...Petitioners

Versus

1.State rep by,
The Inspector of Police,
District Crime Branch,
Tiruvallur. (Crime No.8 of 2021)

2.Mr.Appa Rao

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in FIR in Crime No.8 of 2021 dated 31.03.2021 pending on the file of the 1st Respondent and quash the same.

For Petitioners : Mr.V.Arunagiri

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor for R1
Mr.M.AnanthaKrishnan for R2

O R D E R

This petition has been filed to call for the records in FIR in Crime No.8 of 2021 dated 31.03.2021 pending on the file of the 1st Respondent and quash the same.

2. The case of the prosecution is that the first petitioner/first accused, who is the former employee of M/s. CEC Flavours & Fragrances Pvt Ltd. had stolen the formulas of the company and sold it to the second petitioner/second accused, who is his wife and she is also the proprietor of M/s.G.S.Foods who inturn sold it her customers and thereby the Company. Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.08 of 2021 for the offence under Sections 408, 417 and 420 of I.P.C.



3. The learned counsel for the petitioner submitted that the first and second petitioners have tendered apology to the CEC Company and based on which compromise has been arrived between the petitioners and the CEC Company. Hence, the petitioners have filed this petition to quash the FIR in Crime No.8 of 2021.

4. 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.

5. The Joint Memo of Compromise dated 31.01.2022, which is signed by the parties along with their respective counsel is filed before this Court. Terms 4 and 5 of the Joint Memo of Compromise is extracted hereunder:

"4. The First and Second Party equally undertake that they will not use the Formulae taken from the Third party at any point of time directly or otherwise. In the event of them violating this undertaking, they accept that they can be proceeded against as per law including contempt of the undertaking given before this Hon'ble Court in this compromise petition."

5. The First and Second Party understand that only based on this undertaking the Third party is withdrawing the criminal case and its civil claims"

6. The learned Additional Public Prosecutor submitted that the parties appeared before the respondent police along with Memo of Compromise and I.D. proof. The Respondent police also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7. Under such circumstances, no useful purpose will be served in keeping the case 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 Gujrat), 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 case in Cr.No.8 of 2021, pending on the file of the First Respondent.

8. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr.No.8 of 2021, pending on the file



of the 1st respondent is quashed and the terms of Memo of Compromise shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

Encl.: Xerox copy of the Memo of Compromise

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

arr/rap

To

1.The Inspector of Police,
District Crime Branch,
Tiruvallur.

2.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.P.Anantha Krishna, Advocate Sr.No.5911

Cr1.O.P.No.23610 of 2021
and
CRL.M.P.No.12984 of 2021

PMK(CO)
RVM(02/03/2022)