



2. Heard Mr.A.Ramesh, learned Senior Counsel for the petitioner, Mr.S.Vinoth Kumar, learned Government Advocate for the first respondent and Mr.M.Chidambaram, learned counsel for the second and third respondents.

3. In the affidavit filed in support of the petition, it is stated that the petitioner was made to believe that the entire money invested by him will be repaid to him and the second and third respondents being close relatives, the petitioner believed the undertaking and agreed for compromise. The grievance of the petitioner is that the second and third respondents have gone back on their compromise and in fact they have started insisting for handing over the original document of the properties, given as a security by the mother, to them. This was done even without repaying back the sum of Rs.1,52,00,000/-, which the petitioner had paid to the second and third respondents.

4. The second and third respondents have filed a counter and they have denied the allegations made in the affidavit filed by the petitioner. According to them, the petitioner was the author of the memorandum of understanding dated 09.10.2018 and he voluntarily came up with a joint compromise and the signature of the mother was also obtained by force. The second and third respondents have virtually disowned the memorandum of understanding and have contested this petition on merits.

5. In view of the above, it is clear that the parties were not ad-idem at the time when the memorandum of understanding was signed by them. Now both sides are contesting the same. Therefore, the case has to be decided only on merits. Accordingly, the order passed by this Court on 17.07.2019 quashing the FIR in Crime No. 416 of 2018, based on compromise is recalled. The Criminal Original Petition is restored back on file and the petition shall be argued by both the sides on merits.

6. In the result, this petition is allowed. Registry is directed to post the main Criminal Original Petition for final hearing after getting necessary orders from the Hon'ble Chief Justice.

-sd/-

28/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE INSPECTOR OF POLICE
CCB-I, EDF II/CCB/PE/2018,
VEPERY, CHENNAI - 600 007.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS

+1 C.C. to MR.M.CHIDAMBARAM Advocate on payment of necessary
charges SR.NO. 4615

Order

in

CRL MP.14302/2021

in

Crl.O.P.No. 14676 of 2019

Date :28/03/2022

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RW 31/03/2022