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CrI.O.P.No.19380 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.O.P.No.19380 of 2020

and

CrI.M.P.No.7783 of 2020

Mary Latha Joyce

...

Petitioner

/vs/

1.The State, Rep.by
Sub-Inspector of Police,
Central Crime Branch,
EDF-II, TEAM-IX-A,
Vepery, Chennai – 600 007.

2.S.Raju

...

Respondents

PRAYER : The criminal original petition has been filed under Section 482 of Cr.P.C. to call for the records in connection with C.C.No.3568 of 2020 on the file of the Metropolitan Magistrate Court (CCB & CBCID Metro Cases) at Egmore, Chennai – 08 and quash the same as illegal.

For Petitioner

...

Mr.N.R.Elango
Senior Counsel

For Respondent
No.1

...

Mr.L.Baskaran
Government Advocate (CrI.side)

For Respondent
No.2

...

Mr.C.Emalias
for Mr.V.R.Appaswamee



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ORDER

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This criminal original petition has been filed to call for the records in connection with C.C.No.3568 of 2020 on the file of the Metropolitan Magistrate Court (CCB & CBCID Metro Cases) at Egmore, Chennai – 08 and quash the same as illegal.

2.The learned counsel appearing for the petitioner/the first accused submitted that during grant of Anticipatory Bail, the petitioner was directed to deposit a sum of Rs.65,00,000/- before the trial Court, that amount has been deposited and withdrawn by the second respondent /the defacto complainant. Now, the petitioner is not claiming the deposited amount of Rs.65,00,000/- withdrawn by the second respondent /defacto complainant.

3.The learned counsel appearing for the second respondent/the defacto complainant submitted that the deposited amount of Rs,65,00,000/- has been withdrawn by the second respondent and compromise had arisen between the second respondent and the petitioner. In this regard, the second respondent has filed a consent affidavit stating that he has withdrawn the deposited amount of Rs.65,00,000/- and has no objection to



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quash the C.C.No.3568 of 2020 pending on the file of the Metropolitan Magistrate Court, (CCB & CBCID Metro Cases) at Egmore, Chennai – 08.

4. Heard the learned Government Advocate (Crl.side) appearing for the first respondent.

5. I have considered the matter in the light of the submissions made by the learned counsel for the parties and perused the material available on record.

6. On perusal of the records, it is seen that the petitioner is the first accused in C.C.No.3568 of 2020 on the file of the Metropolitan Magistrate Court (CCB & CBCID Metro Cases) at Egmore, Chennai – 08. The respondent police registered a case in Crime No.366 of 2018 in pursuance of the complaint given by the second respondent. After investigation, the respondent police filed a final report against this petitioner along with two other persons for the offences punishable under Section 420 r/w 34 IPC. The petitioner alone filed this criminal original petition for quashing the criminal proceedings on the ground that there is a breach of contract alone



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and no criminal offence is made out. While granting Anticipatory Bail, the petitioner was directed to deposit a sum of Rs.65,00,000/- before the trial Court that amount has been deposited and withdrawn by the second respondent. Now, the matter has been compromised between the parties. The petitioner consented not to claim that amount from the second respondent and the second respondent also consented that he will retain that amount and adjust the amount payable by the petitioner with regard to an earlier agreement between the petitioner and the second respondent. Now, the second respondent received the entire amount from the petitioner with regard to the earlier transaction and no amount is payable by the petitioner with regard to the contract between the petitioner and the builder. The petitioner will work out her remedy before RERA (Real Estate Regulatory Authority), the case is pending before the RERA with regard to the construction agreement as promised by the Builder. Further, the second respondent filed the consent affidavit giving consent to quash the C.C.No.3568 of 2020 pending on the file of the Metropolitan Magistrate Court, (CCB & CBCID Metro cases) at Egmore, Chennai – 08. Since the dispute between the parties is civil in nature and it was settled between



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them, the C.C.No.3568 of 2020 is liable to be quashed.

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7.In view of the above, the criminal original petition is allowed and the case in C.C.No.3568 of 2020 pending on the file of the Metropolitan Magistrate Court, (CCB & CBCID metro cases) at Egmore, Chennai – 08 is hereby entirely quashed against all the accused persons. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No

18.07.2023

Internet : Yes/No

sms

To

1.The State, Rep.by
Sub-Inspector of Police,
Central Crime Branch,
EDF-II, TEAM-IX-A,
Vepery, Chennai – 600 007.

2.The Metropolitan Magistrate Court
(CCB & CBCID Metro Cases),
Egmore, Chennai – 08.

3.The Public Prosecutor,
High Court, Madras.

V.SIVAGNANAM ,J.



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sms

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