



Crl.O.P No.18298 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18298 of 2023

and

Crl.M.P.No.12145 of 2023

1.Balasubramaniam

2.Ponnuthai

3.Abirami

4.Thiruvagasam

... Petitioners

vs.

1.State represented by,

The Inspector of Police,

District Crime Branch,

Coimbatore District.

(Crime No.1173 of 2020)

2.Devaki

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in Crime No.1173 of 2020 on the file of first respondent.

For Petitioner : Mr.S.N.Arunkumar

For Respondent-1 : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

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This petition has been filed to quash the F.I.R. in Crime No.1173 of 2020, pending on the file of first respondent.

2. Heard the learned counsel appearing for petitioners and the learned Additional Public Prosecutor appearing on behalf of first respondent.

3. It is seen from the records that the second respondent had filed a suit seeking for the relief of specific performance against the petitioners in O.S.No.396 of 2020 before the learned III Additional District Judge, Coimbatore. During the pendency of the suit, the matter was referred to the Lok Adalat and based on the terms of settlement arrived at by the parties, an Award was passed by the Lok Adalat on 05.03.2021. In view of the same, there is a full and final settlement between the parties.

4. The petitioners had also filed an Anticipatory Bail petition before this Court in CrI.O.P.No.14000 of 2020 and the petitioners were



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directed to deposit a sum of Rs.20 lakhs to the credit of the Crime No.1173 of 2020. Accordingly, the petitioners also deposited the amount. Subsequently, there was a settlement between the parties and hence, the petitioners filed a petition before this Court in Crl.M.P.No.7009 of 2021 to permit them to withdraw the said amount. In the said petition, this Court was pleased to pass the following order:

“2. The case of the prosecution is that the property of A1 was brought on auction due to default in paying the loan amount to the Bank and to save the petitioner's land, the petitioner induced the defacto complainant to pay a sum of Rs.19,00,000/- to the Bank for avoiding auction on the assurance of executing Sale Deed in respect of the auctioned property in favour of the defacto complainant. On the assurance given by the 1st petitioner, the defacto complainant has paid a sum of Rs.19,00,000/- and thereafter, the petitioners have cheated him by not executing the Sale Deed. Hence the complaint.

3. This Court, vide order dated 29.09.2020, in Crl.O.P.No.14000 of 2020, based on the undertaking that the petitioner shall deposit a sum of Rs.20 lakhs to the credit of Crime Number, had granted bail to the petitioners.



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4. *It is the submission of the learned counsel appearing for the petitioners that the Civil Suit filed by the defacto complainant for possession of the property in question, was referred to the Lok Adalat conducted by the District Legal Services Authority, Coimbatore and the dispute was amicably settled between the parties before the Lok Adalat in terms of settlement and the petitioners have also executed the Sale Deed in favour of the defacto complainant in Doc.No.3192 of 2021, on the file of the Sub Registrar Office, Pollachi. Hence the petitioners are entitled to get the deposited amount in Crime Number which was paid as directed by this Court and prays leave of this Court to permit the petitioner to withdraw the same.*

5. *The learned Government Advocate (Crl.Side) also fairly conceded the said statement submitted on behalf of the petitioners.*

6. *This Court has carefully considered the rival submissions and also perused the materials placed before this Court.*

7. *It appears that the defacto complainant has no further claim as against the petitioners in view of the settlement arrived at in the Lok Adalat and the subsequent sale deed executed between the parties. In view of the above, I am inclined to grant liberty to the petitioner to file a petition under Section 451 Cr.P.C before the Trial Court. If such petition is filed, the Trial Court may disburse the amount in favour of the petitioners, after hearing the defacto*



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complainant and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order.”

5. It is clear from the above that this Court had already taken note of the settlement between the parties and hence, no useful purpose will be served in continuing with the investigation. There shall be a direction to the first respondent to take note of the above development and file a closure report before the concerned jurisdictional Court within a period of four weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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N. ANAND VENKATESH, J.

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To

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

2.The Public Prosecutor,
High Court of Madras,
Madras.

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and

Crl.M.P.No.12145 of 2023

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