



Crl.O.P.No.22346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.22346 of 2022 and
Crl.M.P.No.14384 of 2022

1.Tiwari JP @ Jai Prakash Tiwari
2.Nagaraj Seth @ Nagaraj Ram Shet
3.Niraj Shukla
4.Pritham Sing @ Pritam Sing Atter Sing Parmar
5.Dhalveer singh @ Dalbir singh lathar ... Petitioners
(Petitioner No.5 impleaded as per order
dated 29.03.2023 in Crl.M.P.No.4323 of 2023
in Crl.O.P.No.22346 of 2022)

Vs.

1.State rep by
The Inspector of Police,
District Crime Branch,
Ariyalur District.

2.M.Balamurugan ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Crime No.05 of 2022, on the file of the Inspector of Police, District Crime Branch, Ariyalur District, quash the same.

For Petitioners : Mr.R.Natarajan

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side) (R1)
: Mr.G.Kalidasan (R2)



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ORDER

This Criminal Original Petition is filed to call for the records in Crime No.05 of 2022, on the file of the Inspector of Police, District Crime Branch, Ariyalur District and quash the same.

2.Petitioners are accused in Crime No.05 of 2022, registered for the offences under Sections 406, 420 & 506(1) IPC. The allegations are that second respondent/defacto complainant was engaged by M/s.Oriental Structural and Engineers Private Limited as a sub contractor for doing earthwork. M/s.Oriental Structural and Engineers Private Limited had to pay Rs.9,12,41,000.18. Despite making several requests for payment, accused who are holding the position of Project Manager, Assistant Project Manager, General Manager and Deputy General Manager have refused to pay the amount and tried to cheat the second respondent/defacto complainant. They also made criminal intimidation against him. Therefore, the complaint was lodged.

3.The joint compromise memo entered into between second respondent/defacto complainant and petitioners along with the consent affidavits are filed. It is seen from the joint compromise memo that



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petitioners and second respondent/defacto complainant had amicably settled the dispute between them. Out of the settlement reached, the entire claim amount was mutually agreed as Rs.1,25,93,750/-. Demand draft for this amount bearing D.D.No.501120 drawn on ICICI Bank, Ariyalur, dated 20.02.2023, was received by the second respondent/defacto complainant. The second respondent/defacto complainant does not want to prosecute the petitioners and has no objection for quashing the proceedings against the petitioner in Crime No.05 of 2022.

4.Both the petitioners and second respondent/defacto complainant were also present in person before this Court and they were identified by Mr.G.Murugan, Sub Inspector of Police, District Crime Branch, Ariyalur. When this Court enquired second respondent/defacto complainant, he reaffirmed that he does not want to proceed the case against the petitioners and has no objection for quashing the FIR in Crime No.05 of 2022.

5.Considering the facts that the parties have amicably settled the issue between them, second respondent/defacto complainant does not want to prosecute the case against the petitioners and that he has no objection for



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quashment of proceedings, no useful purpose will be served in keeping the First Information Report pending.

6.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 Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.05 of 2022.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.05 of 2022, on the file of the first respondent police is quashed and the terms of joint compromise memo and the consent affidavits shall form part and parcel of this order. Consequently, connected miscellaneous petition is also closed.

05.04.2023

sli
Internet:Yes
Index:Yes/No
Speaking/Non speaking order



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To:

WEB COPY

- 1.The Inspector of Police,
District Crime Branch,
Ariyalur District.
- 2.The Public Prosecutor,
High Court of Madras.



WEB COPY



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G.CHANDRASEKHARAN, J.
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