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Crl.R.C.No.1714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1714 of 2023

1.R.Anbuvel Rajan

2.Ramesh Koduwala

... Petitioners/Accused

Vs.

1.State Rep by

The Deputy Commissioner of Police,

Central Crime Branch-II,

Veppery,

Chennai – 600 007.

2.M.Soori

... Respondents

PRAYER: Criminal Revision Case has been filed under Sections 397 r/w.401 of Cr.P.C, prayed to set aside the order of the lower Court in Crl.M.P.No.5712 of 2023 dated 11.07.2023 on the file of CCB, CBCID Metropolitan Magistrate Court, Egmore, Chennai.

For Petitioners : Mr.Shanmanth

For Respondent-1 : Mr.A.Damodaran

Additional Public Prosecutor

For Respondent-2 : Mr.L.Infant Dinesh



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ORDER

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This petition has been filed seeking to set aside the order passed in Crl.M.P.No.5712 of 2023 dated 11.07.2023 on the file of CCB, CBCID Metropolitan Magistrate Court, Egmore, Chennai.

2. This petition has been filed by the accused in Crime No.62 of 2022. Earlier, a case in Crime No.708 of 2020 for offences under Sections 406, 420, 465, 468 and 471 of IPC was registered against the petitioners by the Adyar Police on 08.10.2020. Thereafter, as per the orders of this Court in Crl.O.P.No.16662 of 2022 dated 04.02.2022, the case was transferred to the file of first respondent. On completion of investigation, the first respondent filed a negative closure report on 09.12.2022 before the Special Court for CCB and CBCID cases, Egmore, Chennai as “Civil in nature and mistake of fact”. Notice was served to the de-facto complainant. Thereafter, de-facto complainant filed protest petition before the Special Court for CCB and CBCID cases, Egmore and the same was taken on file in Crl.M.P.No.5712 of



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2023. The trial Court on the protest petition finding materials and statements, rejected the negative final report and took cognizance of the case for offences under Sections 417, 420, 423, 465, 466, 471 r/w 465 r/w 109, 120(B) of I.P.C. against the accused, against which, the present petition has been filed.

3. The contention of the petitioners is that the dispute between the petitioners and de-facto complainant has been resolved, since the de-facto complainant and the second petitioner's son are in the cinema field. They know each other very well. Further, at the intervention of the common friends and well wishers, now the issue got resolved between them. In pursuant to the compromise, the de-facto complainant filed an affidavit before this Court saying that he is not inclined to further proceed with the case and seeks permission to withdraw the complaint.

4. The learned Additional Public Prosecutor appearing for the first respondent submits that in this case the dispute is with regard to purchase of



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land in the Siruseri village, which is an I.T. Hub. The de-facto complainant was interested in investments. Since the de-facto complainant being a celebrity, he could not directly involve in identifying the land and get into negotiation with the land owners. Hence, he sought the help of petitioners herein who are known to him and thereafter the land was identified and purchased. Later it was found that he purchased the land but with some bottleneck which could not be resolved. Hence, there was a difference of opinion between them and a complaint was lodged. In this case, the transaction is between two individuals, i.e., de-facto complainant and petitioners. The petitioners conspired with each other, projected improper documents, suppressed certain facts and thereby cheated the de-facto complainant. Now the issue got resolved. A copy of the affidavit submitted with a copy to the investigation officer, who enquired with the de-facto complainant and satisfied with the compromise. Further submitted that the transaction is purely between two individuals.



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5. The learned counsel for the second respondent/de-facto complainant submitted that on the advice of the common friends, well wishers and considering the fact that second petitioner's son and de-facto complainant are in the cinema field, both actors and they had good times with each other, further they had to travel in the cinema industry in pursuant to their career, the de-facto complainant is not interested to pursue the case and willing to withdraw his complaint.

6. Today, Mr.S.John Victor, Assistant Commissioner of Police, CCB, Chennai, who is part of the investigating team, assisting Ms.N.S.Nisha, Deputy Commissioner of Police, CCB-II, Chennai, present before this Court, confirming the compromise and de-facto complainant intention not to further proceed with his complaint and case.

7. Today, the petitioners and de-facto complainant appeared through virtual mode. Their identify not disputed. The investigation officer



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confirms the same. The learned counsel for petitioners as well as de-facto complainant confirmed their identity as well as compromise entered between them.

8. In view of the compromise entered into between the petitioners and the de-facto complainant, this Criminal Revision Case is disposed of thereby setting aside the cognizance order passed by the learned Metropolitan Magistrate, CCB & CBCID Court, Egmore, Chennai in Crl.M.P.No.5712 of 2023 dated 11.07.2023. Consequently, Crime No.62 of 2022 is closed.

12.10.2023

Index: Yes / No

Internet : Yes/No

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To
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- 1.The Deputy Commissioner of Police,
Central Crime Branch-II,
Veppery,
Chennai – 600 007.
- 2.The Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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