



CrI.O.P(MD)No.4191 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM :

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

CrI.O.P(MD)No.4191 of 2020

and

CrI.M.P(MD)Nos.2314 & 2315 of 2020

1.S.Mohandoss

2.M.Revathi

3.Saina Icecreams,

Represented by its Managing Director,
Revathy Mohandoss.

... Petitioners/
Accused Nos.1 to 3

Vs.

1.State,

Represented by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.

...Respondent/
Complainant

2.Vibin

...Respondent/
De-facto Complainant

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.5 of 2020 on the file of the Judicial Magistrate, Vadipatti and quash the same as illegal very much against the spirit of the Police Standing order which specifically put an embargo to the respondent police to venture into the realm of civil overtures.



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For Petitioners : M/s.W.Pamelin
For R-1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
For R-2 : Mr.A.Joseph Jerry

ORDER

This Criminal Original Petition is filed to quash the charge sheet in C.C.No.5 of 2020 which is pending on the file of the Judicial Magistrate, Vadipatti. The accused is facing trial for the offences under Section 34, 294(b), 420, 451, 506(1) and 406 of IPC.

2. The allegation in the charge sheet is that the de-facto complainant was manufacturer of ice creams in the brand names 'LAZZA' 'Uncle John' 'SKEI' 'I & U' and he had supplied 84 freezer boxes to the petitioners to market and sell their ice creams. It is further alleged that the petitioners after obtaining the freezer boxes, they did not market the ice creams of the de-facto complainant and also did not return the freezer boxes.

3. When the matter is taken up for hearing today, the learned Counsel for the petitioner and the learned Counsel for the second respondent filed a joint memo of compromise, stating that they have now



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arrived at a compromise by which, the petitioners and the de-facto complainant have agreed to jointly carry on business as per their original terms of agreement and prayed for quashing of the charge sheet on the said basis.

4. This Court finds that the allegation in the complaint relates to breach of contract. Now the parties have amicably settled the matter. The petitioners and the de-facto complainant are present before this Court. Paragraph Nos.2 to 4 of the joint memo of compromise reads as follows:

"2. The prosecution case is that the Defacto complainant is working Factory Manager, Highrange Foods (P) Limited, Nagari and that the petitioners as well as the de-facto complainant made a business contract to run ice cream business in the district of Ramanathapuram by selling ice creams with brand names 'LAZZA' 'Uncle John' 'SKEI' 'I&U' and that for this purpose 84 freezers were issued by the company and from the month of March, 2018, without procuring ice creams from the company, they have started business of their own by manufacturing ice cream of their

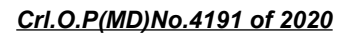


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own and refused to return back 84 freezers and that they threatened the staff and that on 20.06.2018, the accused Mohandass and Revathy barged into their factory located at Nagari, by using abusive words extended life threat.

3. The petitioners humbly submit that no such incident ever took place. The petitioners further submits that the complaint itself is inherently improbable and palpably absurd and agreed over the same we moved a quash petition before this Hon'ble Court in Crl.O.P(MD)No.4191 of 2020 and the matter is pending before this Hon'ble Court.

4. The petitioners humbly submit that now that the defacto complainant and the petitioners / Accused herein had entered an compromise and the parties herein in present petition is looking forward to carry on the business jointly and looking a head for compromise in the present petition."



05.01.2023

To

1. The Inspector of Police,
Sholavandan Police Station,
Madurai District.
2. The Judicial Magistrate,
Vadipatti.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Btr

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