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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

Crl.O.P.No.5569 of 2024
and
Crl.M.P.No.4072 of 2024

1. J.Balaraman .. Petitioner

Vs.

1. The Inspector of Police,
   EDF-I, Team - II
   Central Crime Branch
   Vepery, Chennai - 600 007.

2. Gautami Tadimalla .. Respondents

PRAYER : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for records to quash the offences of 409, 420 r/w 120 (b) IPC among others as against the Petitioner in Crime No.253 of 2023 on the file of the 1st respondent.

For Petitioner : Mr.B.Kumar,
Senior Counsel for
Mr.S.Ramachandran

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For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl.Side)
For Respondent No.2 : Mr.S.Namasivayam

ORDER

This Criminal original petition has been filed to quash the FIR in Crime No.253 of 2023 on the ground of compromise.

2. The terms of compromise are extracted hereunder :-

1. Out of the total sum of Rs.3,90,00,000/- towards final settlement the party of the first part shall pay to the party of the second part by way of demand drafts drawn in her favour.

i. Rs.1,00,00,000/- [Rupees one crore only) by way of demand draft No.647068 drawn on City Union Bank, Perambur Branch dated 23.11.2023 in favour of the party of the second part.

ii. Rs.1,00,00,000/- [Rupees one Crore only] by way of cheque No.056331, drawn on City Union Bank, Perambur Branch dated 02.12.2023 in favour of the party of the second part. The cheque will be subsequently replaced by a demand draft by the party of the first part which is feasible only after the central crime branch defreeze his bank accounts and also return back some original documents, cash, gold and

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silver jewelry confiscated by the CCB

iii. Rs.1,90,00,000/- [Rupees one Crore Ninety Lakhs only] by way of cheque No.056332 dated drawn on City Union Bank, Perambur Branch will be paid to the party of the second party by the party of the first part on or before the final hearing of the quash petition to be filed before the Hon'ble High Court. The cheque will be subsequently replaced by a demand draft by the party of the first part.

The party of the second part also shall provide a letter of receipt of such amounts as and when received

2. On receipt of such payment, the party of the second part agrees to give "No objection" for removing the name of the party of the first party from the pending Crime No.253 of 2023 registered by the CCB wing of Commissioner of police, Greater Chennai.

3. The parties further agree that the dispute between them in respect of the consideration received for the sale of land at kottaiyur Village, Tiruvallur District registered on by a Sale deed dated 06.01.2016, registered as Document No.9 of 2016 before the Suguvarchatiram Sub Registrar office has been compromised and resolved among themselves and Neither party will pursue or initiate any legal suit or prosecution against First part

4. No further litigation against the First part relating to the

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dispute and second part will nor pursue or initiate any legal suit or prosecution against First part relating to the property to deal with her property of an extent of around 8.61 acres in Survey Nos.719/3B, 720/2B, 735/1B, 720/2A, 721/1, 721/2, 722/2A, 722/2C, 735/3, 735/5, 723/2A and 723/2B and 1.26 acres in Survey Nos.723/2A and 723/2B inherited from her mother situated in Kottaiyur Village, Tiruvalluvar District in the sale deed dated 06.01.2016, registered as 2016.

5. The party of the Second part confirms that the aforesaid sum of Rs.3,90,00,000/- [Rupees Three Crores and Ninety Lakhs only] is received by her and her brother T.Srikant is in the United States of America has confirmed by email that he has no claim against the party of the first part.

6. This Memorandum of Compromise will not preclude the party of the second part from pursuing her civil legal remedies, if any, against the party of the First Part with regard to the sale deed registered as Document No.4370 of 2015on the file of the Sub-Registrar Sunguvarchathiram to an extent of 1 acre 95 cents in Survey No.716/1 and 716/2 at Kottiyur Village, Tiruvallur District. It is also made clear that, if any such civil proceedings are initiated by the party of the second part, it will be open to the party of the first part to appropriately defend the same.

7. It is agreed between the parties that with the payment of

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Rs.3,90,00,000/- [Rupees Three Crores Ninety Lakhs only] by the party of the First Part to the Party of the Second Part, there shall be no further claim by the party of the Second part as against the party of the first part including Civil, criminal or towards any of her tax liabilities if any and the aforesaid sum of Rs.3,90,00,000/- [Rupees Three Crores Ninety Lakhs only] is received by the Party of the First Part in full quits to Sale deed dated 06.01.2016 registered as document No.9 of 2016 before the Sub-Registrar, Sunguvarchattram for herself.

8. The party of the second part has "No objection" with regard to return of property seized by the CCB.

3. The 2nd respondent, who was present before this Court in person stated that this compromise confines itself only to the petitioner (A2).

4. The learned Government Advocate on instructions submitted that there are totally three accused persons in this case. Insofar as A1 is concerned, he was arrested and remanded to Judicial custody and he continues to remain in judicial custody till date. Insofar as A3 is concerned, he died as early as on 12.11.2018. The learned Government Advocate also

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submitted that this compromise between the parties will confine itself only with the petitioner (A2).

5. As per the terms of compromise between the parties, the 2nd respondent is entitled to work out her civil remedy against the petitioner with respect to the sale deed that was registered as document No.4370 of 2015. The learned counsel for 2nd respondent therefore submitted that all the other properties that were seized from the petitioner can be returned back except the sale deed, which was registered as document No.4370 of 2015.

6. In the considered view of this Court, the criminal proceedings itself will be quashed in the light of the compromise between the parties. Hence, whatever property was seized from the petitioner in the course of investigation must be returned back to the petitioner. It is left open to the petitioner to file an appropriate application before the concerned Court and seek for return of property and this petition shall be entertained and the seized properties shall be returned back to the petitioner. Insofar as

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document No.4370 of 2015 is concerned, the same shall also be handed over to the petitioner. Since retaining this document in the Court will not serve any purpose. The agreement itself makes it clear that the 2nd respondent can work out her civil remedy against the petitioner pertaining to this document and therefore, just because this document goes into the hands of the petitioner, that will not in any way prejudice the right of the 2nd respondent to work out her civil remedy.

7. This Criminal Original Petition stands allowed and as a sequel, the FIR in Crime No.253 of 2023, on the file of the 1st respondent police, is quashed insofar as Petitioner (A2) is concerned. The respondent police shall proceed further with the investigation insofar as A1 is concerned and file a final report as expeditiously as possible. The petitioner(A2) shall pay a sum of Rs.5000/- (Rupees Five thousand only) as costs, to the credit Tamil Nadu Advocates Clerk Association, High Court, Madras Account No.484026006, Indian bank, High Court Branch , IFSC Code No.IDIB000M157, within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt

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along with a memo reporting compliance in the Registry. Consequently, the connected miscellaneous petition is closed.

8. Post this case under the caption for reporting compliance on 09.04.2024.

Index : Yes/No **18.03.2024**
Internet : Yes/No
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To

1. The Inspector of Police,
EDF-I, Team - II
Central Crime Branch
Vepery, Chennai - 600 007.

2.The Public Prosecutor,
High Court, Madras.

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