



Crl.O.P.No.20259 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent-police for the offences punishable under Section 420 of IPC in Crime No.118 of 2022, seek anticipatory bail.

2. The case of the prosecution is that due to financial crunch faced by the defacto complainant, a complaint was lodged by the defacto complainant on 18.04.2022 with the Commissioner of Police against the petitioners herein. The complaint was forwarded to the first respondent and an FIR has been registered on 08.06.2022 for an alleged offence under section 420 IPC. It is the case of the defacto complainant that the petitioners herein had entered into a Memorandum of Understanding with the defacto complainant for sale of 290 acres of land at the rate of RS.75,80,000/- per acre and in lieu of the same, had received an advance of Rs.19 crores, by which the petitioners had cleared the loan obtained by them from Indian Overseas Bank.



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2.1. It is the further case of the defacto complainant that the defacto complainant had also handed over constructed model house measuring 6100 Sq. Ft. along with 123 cents of land at Project Estancia, Potheri Village, Guduvancherry worth Rs.18 crores and as such they have parted with advance and land with building worth Rs.37 crores. It is further alleged that the petitioners are not willing to register the land in favour of the defacto complainant and hence, an agreement of exchange was entered on 07.07.2021 and on the same day, a mortgage deed was also executed by the petitioners in favour of the defacto complainant to the tune of Rs.35.71 crores.

2.2. It is further alleged that the defacto complainant had identified one M/s. Eden Park Promoters (India) Pvt. Ltd to purchase the land at as is where is condition priced at Rs.85,000/- per cent and that the petitioners are refusing to sell their land nor facilitating the sale of land belonging to the others as agreed upon in the MOU. It is further alleged that the petitioners having received the money are refusing to sell the land, repay the advance received despite several demands made and hand



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over possession of the property and as such the petitioners have committed various offences.

3. While pending this anticipatory bail petition, the petitioners had settled the amount to the defacto complainant. In this regard, the defacto complainant who is the intervenor in this criminal original petition, has filed affidavit dated 07.06.2024 before this Court, the relevant portion of which is extracted hereunder:

“1. I am the Designated Partner of M/s. Arun Excello Constructions LLP and as such I am well acquainted with the facts of the case.

2. It is submitted that the Accused 1 & 2 have settled the dues which are the subject matter of the complaint dated 18-4-2022 in Cr.No.118 of 2022 on the file of The Inspector of Police, Vepery, Chennai - 600 002 payable to the complainant. The Complainant had preferred the Complaint dated 18-4-2022 for the offence of cheating by the Accused on non-payment of the said sum. Pursuant to repayment of the amounts, the complainant is hereby willing to withdraw the complaint dated 18-4-2022. Hence the consequent FIR No.118 of 2022 registered in



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the name of A1 & A2 is liable to be quashed as there is no criminal offence as against the above referred Accused 1 & 2 as the offence has been compounded by the repayment of the loan borrowed.

3. The 2nd Respondent / Defacto Complainant hereby states that the complaint dated 18-4-2022 and the FIR in Cr.No.118 of 2022 on the file of the Inspector of Police, Vepery, Chennai may be closed as amicably settled between the parties and further proceedings may be dropped.

4. It is seen that the defacto complainant / intervenor does not want to proceed with the complaint registered in crime No.118 of 2022 on the file of the respondent-police.

5. Therefore, the respondent is directed to close the FIR registered in crime No.118 of 2022 as the matter has been settled between the parties.

6. With the above direction, this criminal original petition is



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disposed of. The affidavit of the defacto complainant /intervenor dated 07.06.2024 shall form part and parcel of this order.

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