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Crl.OP.No.10130 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10130 of 2025

1.S.Ramesh

2.R.P.Sindhuja

... Petitioners

Vs.

1. The State

Represented by the Inspector of Police

CCB-I Police Station

Chennai

(Crime No.130 of 2016)

2.S.Sundararaman

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records of the proceedings in Crime No.130 of 2016 on the file of the 1st respondent police and quash the same in so far as these petitioners are concerned.

For Petitioners : Mr.K.Sharath Chandran

For Respondents : Mr.R.VinothRaja
Govt. Advocate (Crl.Side) - R1

: Mr.S.Mahaveersshivaji - R2



Crl.OP.No.10130 of 2025

ORDER

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2. On the complaint lodged by the second respondent, the first respondent registered an FIR in Cr.No.130 of 2016 for the offences punishable under Sections 120B, 420, 465, 468 and 471 of IPC, 1860 alleging several allegations against the petitioners.

3. Pending investigation, the petitioners and the defacto complainant entered into a compromise and settled the dispute between them amicably and also executed a memorandum of compromise on 10.09.2024. The disputes arose between the parties with regard to Real Estate/Land/Mortgage/Financial Transactions, pursuant to which both the parties had initiated civil and criminal actions against one another besides against other third parties namely S.Ramesh and R.P.Sinthuja/the petitioners herein including certain officers of Tamilnadu Mercantile Bank.

4. One of the specific clause in Memorandum of Understanding states that FIR registered in Cr.No.138 of 2016 on the file of the first respondent has to be withdrawn as against the



Crl.OP.No.10130 of 2025

WEB COPY

petitioners alone. Though all the other clauses were duly complied with by the second respondent and the petitioners herein, the second respondent failed to comply the said clause (e). The said clause (e) reads as follows:

" (e) The First Party shall sign all the necessary documents/affidavits/petitions and do all necessary actions as may be required by the Company/S.Ramesh and Mrs.R.P.Sinthujaa from time to time, for withdrawing/quashing/compounding the criminal complaint as against Mr.S.Ramesh and Mrs.R.P.Sinthujaa alone which is under investigation in FIR No.130 of 2016 by the CCB, Chennai, without prejudice to their right to continue the criminal action against the other accused named in the FIR. The FIRST PARTY and Mr.S.Ramesh shall coordinate and take necessary steps as contemplated under law to withdraw/quash/compound the complaint/offences as against Mr.S.Ramesh and Ms.R.P.Sinthujaa alone without affecting the rights of the FIRST PARTY to pursue the action against the other accused. The FIRST PARTY shall cooperate for all the said legal steps taken by Mr.S.Ramesh and



Crl.OP.No.10130 of 2025

Ms.R.P.Sinhuja in this regard”.

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However, the learned counsel for the second respondent submitted that in so far as other clauses are concerned, they were not duly complied with and as if the second respondent did not agree for the withdrawal of FIR registered in Cr.No.130 of 2016. However, he could not able to substantiate the contentions by showing the clause which is not complied with by the petitioner or other parties in the Memorandum of Understanding.

5. That apart, FIR is pending from the year 2016 without any progress. There is absolutely no explanation by the prosecution to keep the FIR pending from the year 2016. The present FIR is nothing, but, arm twisting method to settle entire scope by keeping the FIR pending.

6. In so far as the petitioners are concerned as per Memorandum of Understanding, Clause 2(a), 2(b), 2(c), 2(d), 2(e) 2(f), 3(a), 3(b) were duly complied with except the above part clause 2(e) . Therefore, the FIR cannot be sustained as against the petitioners and it is liable to quashed.



Crl.OP.No.10130 of 2025

WEB COPY

7. Accordingly, the impugned FIR registered in Crime No.130 of 2016 on the file of the first respondent police is hereby quashed and this Criminal Original petition is allowed. Consequently, the connected miscellaneous petition is closed.

29.042025

Vv

To

1.The Inspector of Police
CCB-I Police Station
Chennai

2. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

Vv

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