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Crl.O.P.Nos.33943/2019 & 3951 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

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THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.33943 of 2019 & 3951 of 2020

Crl.O.P.No.33943/2019

S.Chidambaram
S/o. Sarangapani

.. Petitioner

Vs.

1. The State represented by
The Inspector of Police,
City Crime Branch,
Coimbatore.

2. Mr.S.Sivakumar
S/o. Shanmugam

... Respondents

Criminal Original Petition is filed under Section 482 Cr.P.C to call for the records in C.C.No.1695 of 2019 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same as against the petitioner / A1 by allowing this criminal original petition.



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Crl.O.P.No.2951/2020

1. Nagarajan
S/o. Manoharan

2. Murali
S/o/ Vijayarajan

3. Selvakumar
S/o. Vijayarajan

.. Petitioners

Vs.

1. The State represented by
The Inspector of Police,
City Crime Branch,
Coimbatore.

2. Mr.S.Sivakumar
S/o. Shanmugam

... Respondents

Criminal Original Petition is filed under Section 482 Cr.P.C to call for the records in C.C.No.1695 of 2019 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore and quash the same as against the petitioners / A2 to A4 by allowing this criminal original petition.

In both petitions:

For Petitioners : Mr.S.Viswanathan

For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor for R1
Mr.M.R.Thangavel for R2

COMMON ORDER



WEB COPY These Criminal Original Petitions are filed to quash the charge sheet in C.C.No.1695 of 2019 pending on the file of the learned Judicial Magistrate No.VII, Coimbatore.

2. The allegation against the accused is that they defrauded the *de facto* complainant to the tune of Rs.5,08,03,285/- by engaging in various fraudulent activities, including altering the software of the firm run by the *de facto* complainant and also committing several fraudulent acts in the course of selling goods. In this case investigation has been completed, final report has been filed and the statement of the witnesses have also been recorded.

3. It is the contention of the learned counsel for the petitioners that A1 / petitioner in Crl.O.P.No.33943/2019 and the *de facto* complainant have entered into a Memorandum of Compromise dated 20.07.2019. Despite entering into the Memorandum of Compromise, the final report has been filed in C.C.No.1695/2019.

4. The Memorandum of Compromise dated 20.07.2019 states that in order to give quietus to the entire issue, A1 agreed to pay a sum of

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Rs.80,00,000/- which is said to have been given as an advance to purchase the property from a third party. According to A1, he had already given no objection to the third party vendor to return back the sum of Rs.80,00,000/- to the *de facto* complainant. Despite such action taken on his behalf, the amount has not been paid to the *de facto* complainant. Therefore, it is the contention of A1 that the vendor of the flat and the *de facto* complainant are friends and they colluded together.

5. At the outset, this Court is of the view of that the Memorandum of Compromise dated 20.07.2019 entered into between the parties, has not been acted upon and the sum of Rs.80,00,000/- has not been paid back to the *de facto* complainant as agreed in the memorandum. Be that as it may, the charges against the petitioners are very serious and during investigation materials have been collected against the petitioners and now P.W.1 has also been examined before the trial Court in C.C.No.1695/2019. The present petitions have been filed only after certain evidence has come on record. Once substantive evidence is already available on record, it would not be appropriate for this Court, at this stage, to examine the veracity of the statements recorded under Section 161 Cr.P.C. In such a view of the matter,



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I do not find any merit in these petitions.

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6. In the result, these Criminal Original Petitions are dismissed. The trial Court is directed to dispose C.C.No.1695/2019 as expeditiously as possible.

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Index : Yes / No

Internet: Yes

Speaking Order / Non-Speaking order

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To:

1. The Judicial Magistrate No.VII, Coimbatore.

2. The Inspector of Police,
City Crime Branch, Coimbatore.

3. The Public Prosecutor,
Madras High Court.



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N.SATHISH KUMAR, J

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