

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.19356 and 19357 of 2016

1. D.Periyaswamy
  2. P.Sivabharathi
  3. P.Jaya .. Petitioners in Crl.OP No.19356 of 2016
- D.Periyaswamy .. Petitioner in Crl.OP No.19357 of 2016

Vs

1. State by  
The Inspector of Police,  
P-1, Pulianthope Police Station,  
Pulianthope, Chennai-600 012.
  2. S.Kavitha .. Respondents in Crl.OP No.19356 of 2016
1. State by  
The Inspector of Police,  
P-1, Pulianthope Police Station,  
Pulianthope, Chennai-600 012.
  2. D.Magesh Kumar .. Respondents in Crl.OP No.19357 of 2016

Prayer in CRL Nos.19356 and 19357 of 2016:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in Cr.Nos.1906 of 2014 and 2389 of 2013 respectively and quash the same.

For Petitioners in both Crl.OPs. : Mr.T.Suresh

For R1 in both Crl.OPs. : Mr.C.Emalias,  
Addl.Public Prosecutor

For R2 : Mr.G.Thyagarajan

COMMON ORDER

These petitions have been filed to call for the records in Cr.Nos.1906 of 2014 and 2389 of 2013 respectively and quash the same.

2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On the complaint lodged by Kavitha, the first respondent police registered a case in Cr.No.1906 of 2014 on 14.07.2014 for the offences u/s 448, 294(b), 354 and 506(ii) IPC against Sivabharathi (A1), Periasamy (A2) and Jeya (A3).

4. On the complaint lodged by D.Magesh Kumar, the first respondent police registered a case in Cr.No.2389 of 2013 on 10.12.2013 for the offenses u/s 380, 294(b) and 506(ii) IPC against Periasamy.

5. It is seen that the dispute is essentially between the landlady and tenant, the landlady being Kavitha and tenant being Periasamy and his family members. The parties have arrived at a settlement before Lok Adalat on 30.11.2015 on the following terms:-

"Both the Petitioner and Respondent submit that the following points as settlement in the RCOP NO.746 of 2012.

1. The petitioner agreed to pay the sum of Rs.2,25,000/- (Rupees Two Lakhs and Twenty Five Thousand only) as full and quit amount to the respondent and the respondent has agreed to vacate the premises on the case of handing over the possession to the petitioner/Landlord and shall pay the agreed amount.
2. The respondent / Tenant shall vacate the premises of the schedule mentioned property on or before 20.02.2016. In case if the petitioner is withdrawing the criminal case at the earliest the possession will be handed over at the earliest.
3. Both the parties shall withdraw all the cases pending before the criminal court and above said RCOP / RCA if any.
4. The respondent / tenant shall issue NOC for withdrawing the amount deposited in court in the above RCOP proceeding, in RCA 353 of 2010 in RCOP No.1502 of 2009."

6. In the light of the above, today Kavitha handed over a sum of Rs.2,25,000/- by cash to Periasamy and his family members and in turn, Periasamy and his family members handed over the keys and vacant possession of the tenanted premises to Kavitha.

7. The parties have also filed a Joint memo of compromise, wherein, it is stated as follows:-

"The Petitioners and the Respondent / Defacto Complainant had arrived at an amicable settlement through Lok Adalat and as per the Order of Lok Adalat, today i.e. On 30.09.2016, the Respondent / defacto complainant / landlord has paid Rs.2,25,000/- (Rupees Two Lakhs Twenty Five

Thousand only) as a settlement in favour of tenant and also given consent affidavit to withdraw the criminal complaint. The said amount was received and acknowledged by the Petitioners/tenant as receipt, by which the tenant has handed over the keys and vacant possession of the property situated at New Door no.82, old Door No.14, Ammayeammal Street, Pulianthope, Chennai - 600 012, to the landlord.

Therefore, both the parties herein have agreed that they shall not claim anything further against each other in future and shall not file any legal proceedings against each other in any manner.

For the aforesaid reasons, it is therefore humbly prayed that this Hon'ble Court may be pleased to record this Memo and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice".

In view of the above, both the petitions are allowed and the FIR in Cr.Nos.1906 of 2014 and 2389 of 2013 are quashed as against all the accused.

Sd/-  
Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

kmi

To

1. The Inspector of Police,  
P-1, Pulianthope Police Station,  
Pulianthope, Chennai-600 012.
2. The Public Prosecutor,  
High Court, Madras.

2 ccs to M/s. T. Suresh, Advocate, Sr. 56345

2 ccs to M/s.G. Thiyagarajan, Advocate, Sr. 56360, 56361

CrI.OP Nos.19356 and 19357 of 2016

ALA (CO)  
kk 26/10