

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2019

CORAM:
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16118 of 2013 and
Crl.M.P.No.1 of 2013

1.R.Venkataramanan
2.L.Sunil Kumar Chandu

... Petitioners

Versus

1.State, rep.by Inspector of Police,
Team-V, Central Crime Branch,
Office of the Commissioner of Police,
Egmore, Chennai-600 008.

2.John Pandian ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the entire records in pursuance of the FIR No.98 of 2013 dated 15.04.2013 pending on the file of the Inspector of Police, CCB Team-V, Office of the Commissioner of Police, Egmore, Chennai-8 and quash the same.

For Petitioners: M/s.M.Kempraj

For R1 : M/s.S.Thankira
Government Advocate [Crl. Side]

For R2 : Mr.K.G.Raghunath

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.98 of 2013 on the file of the 1st respondent.

2.The gist of the case is that the 2nd respondent being one of the Directors of M/s.Sea Horse Marine Engineering Private Limited at Nanganallur along with two Directors, the petitioners herein. For the month prior to January 2013, the 2nd respondent was out of station. Taking advantage of his absence, the petitioners had transferred a sum of Rs.34,36,000/- to M/s.Tradex Shipping Private Limited on 04.01.2013, without the authorization of 2nd respondent by forging his signature. Thereafter, this fact was informed by Manager Balasubramaniam to the 2nd respondent on 21.01.2013. He lodged a complaint before the 1st respondent. On receipt of the same, the 1st respondent registered an F.I.R in Crime No.98 of 2013 against the

petitioners for the offences under Section 406, 420, 465, 468, 471 r/w 34 of IPC.

3.The learned counsel for the petitioner would submit that based on the complaint given by the 2nd respondent, the respondent Police registered an F.I.R in Crime No.98 of 2013 against the petitioners. When the petitioners were arrested and remanded to judicial custody before the Judicial Magistrate, Alandur, the 2nd respondent appeared before the learned Magistrate in C.M.P.No.3236 of 2013 and deposed that the petitioners settled the amount of Rs.32,43,630/- by way of demand draft drawn at State Bank of India, Chengalpet dated 14.06.2013 and copy for the same is also produced before this Court. He would further submit that in view of the settlement nothing survives in this case and further prays for quashing of the F.I.R in Crime No.98 of 2013 on the file of the 1st respondent.

4.The learned Government Advocate [Crl. Side] appearing on behalf of the 1st respondent would submit that the settlement has been arrived at between the petitioners and the 2nd respondent and the entire amount has also been paid by the petitioners. No documents of public nature is involved in this case. It is a case of misunderstanding and dispute among the directors.

5.The learned counsel for the 2nd respondent would submit that the entire amount taken by the petitioners has been received by the 2nd respondent and the matter has been settled between them.

6.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Hence, the F.I.R in Crime No.98 of 2013 on the file of the 1st respondent is hereby quashed. Accordingly this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1.The Inspector of Police,
Team-V, Central Crime Branch,
Office of the Commissioner of Police,
Egmore, Chennai-600 008.

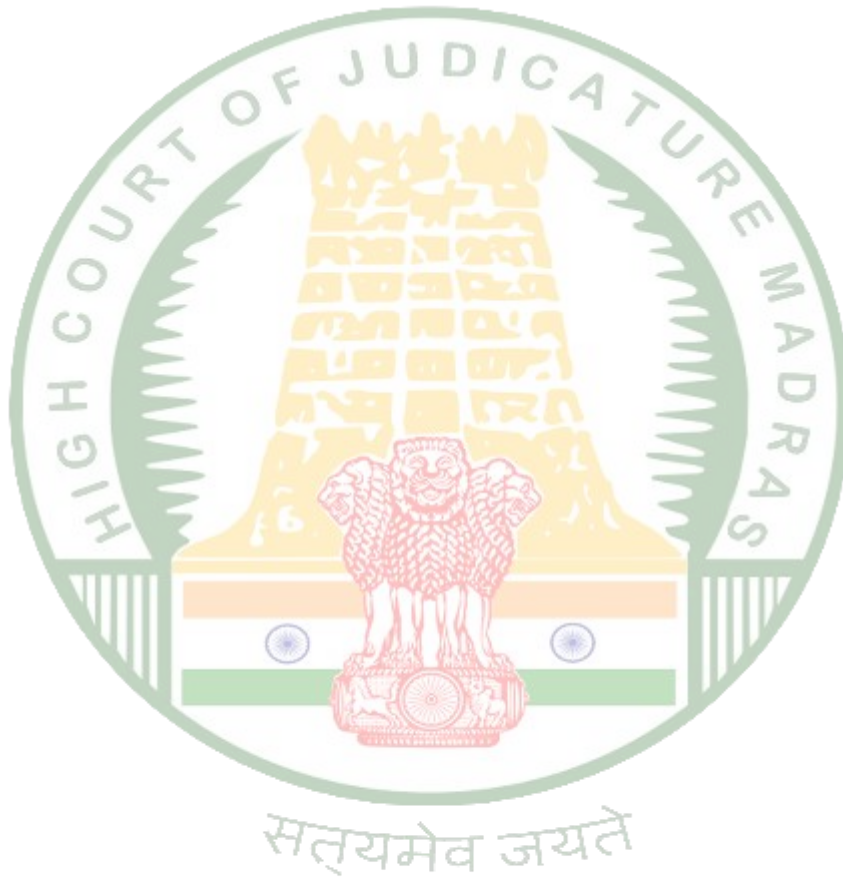
2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Kempuraj, Advocate, S.R.No.54849

CRL.O.P.No.16118 of 2013

KK (CO)

RRS (29/07/2019)



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