



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.556 of 2017

WEB COPY

Suresh Kumar

: Petitioner/Sole Accused

-vs-

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

: 1st Respondent/Complainant

2.Samkumar

: 2nd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for records in respect of Crime No.21 of 2016 on the file of the first respondent and quash the same.

For Petitioner

: Mr.D.Venkatesh

For Respondents

: Mr.K.Anbarasan

Government Advocate (Crl.side)
for R.1

: Mr.T.Lenin Kumar
for R.2

O R D E R

On the complaint lodged by Samkumar, the respondent police registered a case in Crime No.21 of 2016 on 19.07.2016 for the offences under Sections 420 I.P.C., r/w Section 24 of the Emigration Act, 1983. It is alleged by the defacto complainant that the petitioner had taken money from him for sending him abroad and thereafter, had not sent him abroad. Now both parties arrived at compromise. Hence, the present petition has been filed for quashing the proceedings on the ground that they have arrived at the compromise.

2.Today, when the matter was taken up for hearing, Ms.T.Rajeswari, Sub-Inspector of Police, City Crime Branch, Tirunelveli City Police Station, is present. Both parties are also present before this Court and their identifications were verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Ms.T.Rajeswari, Sub-Inspector of Police, City Crime Branch, Tirunelveli City Police Station.

3. The defacto complainant has filed an affidavit dated 09.01.2017 wherein, he has stated as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

"3. I submit that based on my complaint, the 1st respondent registered a case in Crime No.21 of 2016 as



against the petitioner herein for the offence punishable under Sections 420 of the I.P.C. r/w 24(1)(a)(b) & (g) of the Emigration Act, 1983. During the pendency of the case, both myself and the petitioner amicably settled our dispute out of court agreeing to repay the sum of Rs.50,000/- through DD and to return back my passport. As such, I am not willing to proceed further in the above case as against the petitioner. As the provisions invoked in the F.I.R. are non compoundable, the petitioner seeks this Hon'ble Court's indulgence to redress his grievance.

4. I submit that as stated supra, since we resolved our dispute out of Court, I don't want to continue the criminal proceedings in Crime No.21 of 2016 and I agree to quash the above case as against the petitioner. In view of the same, this Hon'ble Court may be pleased to quash the proceedings in Crime No.21 of 2016 on the file of the 1st respondent as against the petitioner or otherwise I will be put to irreparable loss and hardship. On the other hand the 1st respondent will be no way prejudiced, if the case is quashed."

4. In view of the affidavit filed by the defacto complainant dated 09.01.2017, this Court is of the opinion that no useful purpose would be served in keeping the matter pending.

5. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties and the entire proceedings in Cr.No.21 of 2016 on the file of the first respondent police are hereby quashed. The affidavit filed by the defacto complainant as well as the joint compromise memo dated 09.01.2017 shall form part of this order.

Sd/-
Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To:

1. The Inspector of Police,
City Crime Branch,
Tirunelveli.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.D.VENKATESH Advocate in SR. No.62422
SSL

<https://hcservices.ecourts.gov.in/hcservices/> JS/ST/SAB.1/5-07.2017/2P-4C

Order made in
Cr1.O.P. (MD) No.556 of 2017
27.06.2017