



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.04.2019
CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

WEB COPY

Crl.O.P.No.5316 of 2019
and
Crl.MP(MD)No.3358 of 2019

Pradeep .. Petitioner/Accused No.1

Vs

1. State Rep. By
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.51 of 2018) .. 1st Respondent/Complainant
2. Raja 2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the proceedings in the FIR in Crime No.51 of 2018 on the file of the Inspector of Police, City Crime Branch, Trichy City and quash the same as against the petitioner.

For Petitioner : Mr.V.Muthumani
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For R2 : Mr.Rajesh Kanna

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in the FIR in Crime No.51 of 2018 on the file of the Inspector of Police, City Crime Branch, Trichy City.

The case of the prosecution is that the defacto complainant approached the petitioner through the accused persons 2 & 3 to get admission for his son to pursue Medical College admission at Malasiya. In this regard, the defacto complainant paid a sum of Rs.10,00,000/- to the accused persons. Thereafter, the accused persons neither got a admission in Medical College nor repaid the amount to the defacto complainant. For which, the defacto complainant lodged the complaint before the respondent police and it has been registered a case in Crime No.51 of 2018 for the alleged offences under Sections 406 & 420 of IPC.



3. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card which is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Government Advocate (Cr1.Side) appearing for the respondent police has no objection and identified the parties, who appeared before this Court.

6. Under such circumstances, no useful purpose will be served in keeping the investigation pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Crime No.51 of 2018.

7. This Criminal Original Petition stands allowed and as a sequel, the case in Crime No.51 of 2018 pending before the respondent police is quashed. Consequently, connected miscellaneous petition is closed. The petitioner shall pay a sum of Rs.1,000/- as costs, to the credit of the "Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench) within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS)

Encl:Xerox copy of Joint Compromise Memo

To

1. The Inspector of Police,
City Crime Branch,
Trichy City,

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Copy To:**

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.S.RAJESH KANNA, Advocate
(SR-60782[F] dated 12/04/2019)

**Cr1.O.P.No.5316 of 2019
and
Cr1.MP(MD)No.3358 of 2019
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ES/08.05.2019/3P/6C