



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.14491 of 2021

and Crl.M.P.No.7885 of 2021

K.Karthikeyan ... Petitioner/Sole Accused
Vs.

1.The State
Rep. by its Inspector of Police,
Central Crime Branch (CCB),
Coimbatore City. ...1st Respondent/Respondent

2.M.Marimuthu ... 2nd Respondent/De-facto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to FIR in Crime No.15 of 2018 on the file of the first respondent police and to quash the same.

For Petitioner	:	Mr.A.Esakkiappan
For R1	:	Mr.A.Damodaran Government Advocate (Crl. Side)
For R2	:	Mr.M.Sathish Prabu

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ORDER

This Criminal Original Petition is filed to call for the records relating to FIR in Crime No.15 of 2018 on the file of the first respondent police and to quash the same.

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

3.The gist of the case is that the petitioner was working under the second respondent/defacto complainant company as an Assistant Finance Manager and he misappropriate the said company's fund sum of Rs.99,57,516/- for the period from 22.11.2014 to 29.12.2015. Hence, the second respondent gave a complaint dated 28.12.2017 to the first respondent police. Based on the complaint, a case came to be registered in Crime No.15 of 2018 for the offence under Sections 408 and 420 IPC against the petitioner.



4. In the mean time, the defacto complainant and the petitioner had decided to resolve their differences between them and they have decided to enter into the compromise without any coercion. Therefore, they entered into a joint compromise and hence prayed this Court to acquit the petitioner from all the charges and all further proceedings in Crime No.15 of 2018, pending on the file of the first respondent police.

5. To that effect, the Joint Compromise Memo dated 01.09.2021 entered between the petitioner and the second respondent. The petitioner and the second respondent present through Video conferencing. In the said memo it has been stated that the petitioner has paid a sum of Rs.10,00,000/- to settle the issue and to close the FIR in Crime No.15 of 2018, pending on the file of the first respondent. They also submitted that "No Future" claim whatsoever against each other, for all purposes, with both parties concerned the FIR in Crime No.15 of 2018, can be quashed. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves.

6. The learned Government Advocate (Crl. Side) appearing for the first respondent also confirms the same.

7. Under such circumstances, no useful purpose will be served in keeping the FIR 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 Gujrat)**, and after exercising due caution as advised by the Hon'ble Supreme Court in **The State of Madhya Pradesh v. Dhruv Gurjar and Another** reported in **(2019) 2 MLJ Cr1 10**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the FIR in Crime No.15 of 2018, pending on the file of the first respondent

8. In view of the above said fact, this Court is inclined to allow this Criminal Original Petition.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.15 of 2018, pending on the file of the first respondent, is quashed on the terms of the Joint Compromise Memo dated 01.09.2021, which shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

Xerox Copy of Joint Compromise Memo dated 01.09.2021 enclosed

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-SD/-

Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1.The Inspector of Police,
Central Crime Branch (CCB),
Coimbatore City.

2.The Public Prosecutor,
High Court, Madras.

+1 C.C. To M/S.ESAKKIAPPAN, Advocate SR.NO. 50996/2021.

+1 C.C. To M/S.M.SATHISH PRABU, Advocate SR.NO. 50995/2021.

Cr1.O.P.No.14491 of 2021
Cr1.M.P.No.7885 of 2021

PMK (CO)
RA (22/10/2021)