



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.19520 of 2017
and
CrI.M.P.No.11788 of 2017

Kanaga @ Kanagasihamani
W/o. M.Prakash

... Petitioner/Accused 2

Versus

1. The State of Tamil Nadu
Represented by its Inspector of Police,
P-5, Saravanampatti Police Station,
Coimbatore.
(Crime No.396 of 2017)

2. Muthu

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and set aside the order dated 11.04.2017 made in C.M.P.No.2412 of 2017 on the file of the Judicial Magistrate Court No.II, Coimbatore and consequently, quash the FIR in Crime No.396 of 2017 pending on the file of the first respondent.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.R.Kishore Kumar
Govt. Advocate (CrI.side) for R1

: Mr.K.Venkatasubban
for Mr. Sarvabhauman Associates for R2

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 11.04.2017 passed by the Judicial Magistrate Court No.II, Coimbatore in C.M.P.No.2412 of 2017 and



consequently, quash the FIR in Crime No.396 of 2017, which was registered in pursuant to the direction issued by the Judicial Magistrate.

2. The crux of the allegation in the FIR is that the de facto complainant and A1 are father and son. Though, they are residing in the same house, suits are pending between them, in respect of the immovable properties.

3. When the matter stood thus, A1 stealthy removed the cheque leaves of his father, forged the signature of the father and presented the same in the bank and thereby committed an offence for which A2, wife of A1 is also a party. Therefore, FIR has been registered against them. It is also alleged in the FIR that there was a physical assault on the de facto complainant. FIR is still in the investigation stage.

4. Today, when the matter was taken up for hearing, de facto complainant, (father), A1 (son) and A2 (daughter-in-law), wife of A1, were present and it is submitted that they sorted out the dispute amicably and A1 has also agreed and undertaken before this Court that he will not involve in any offence and he will not disturb his father in any manner. The first accused has also filed an affidavit to that effect. The de facto complainant, being a father, has shown his magnanimous and stated that he will not precipitate the issue and that he does not want to prosecute his own son and daughter-in-law and hence, seeks to quash the entire proceedings.

5. Both the parties were present and they are identified by their respective counsel. A memorandum of compromise entered into between the parties has also been filed. Though the alleged offence appears to be serious in nature, as the dispute is primarily between the father and son, this Court is of the view that in order to maintain peace in the family and to avoid any further litigation, the matter can be put to rest by quashing the entire FIR. The compromise memo and the affidavit filed by A1 shall form part of the record. Consequently, the connected miscellaneous petition is closed.

*Herein enclosed the Xerox copy of the Memo of Compromise, dated 08.12.2021.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gpa/gba



To

1. The Judicial Magistrate Court No.II,
Coimbatore
2. The Inspector of Police,
P-5, Saravanampatti Police Station,
Coimbatore.
3. The Public Prosecutor
Madras High Court
Chennai

+1cc to Mr.R.Veeramani, Advocate, S.R.No.65100

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.65152

Crl. O.P. No.19520 of 2017
and
Crl.M.P.No.11788 of 2017

SS (CO)
SU (23/12/2021)