



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6788 of 2022

1. John Basha
S/o.Allah Basha
2. Sharfunisha
W/o.John Basha
3. Shain
D/o.John Basha
4. Parveen
D/o.John Basha

... Petitioners

Vs

1. State Through
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
(Crime No.846 of 2021)
2. Jehara Be,
W/o.Ashen Basha

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records connected with the case in Crime No.846 of 2021 on the file of the respondent Police and quash the same as illegal in so far as the first to fourth petitioners are concerned.

For Petitioners	: Mr.B.M.Santharam
For Respondents	:
For R1	: Mr.A.Gokulakrishnan Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed, to quash the First Information Report in Crime No.846 of 2021, on the file of the first respondent, for the offence punishable under Sections 294(b), 323, 506(i) & 420 of IPC read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution is that the first petitioner/A-1 is brother of the second respondent/defacto complainant, second to fourth petitioners/A-2 to A-4 are wife and daughters of the first petitioner/A-1. The second respondent/defacto complainant and her siblings got share from their ancestral property each for a sum of Rs.7,50,000/-. Since, the second respondent/defacto complainant is widow, she taking care of the first petitioner's family from the year 2010 itself. The first petitioner/A-1 promised the second respondent/defacto complaint to purchase a house in her name. Based on that, second respondent/defacto complainant gave her share and savings amount totally a sum of Rs.10,50,000/-. Thereafter, the first petitioner/A-1 purchased house in his name instead the second respondent/defacto complainant and cheated her and also not taking care the second respondent/defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the second respondent/defacto complainant is the sister of the first petitioner and due to the family dispute, a complaint has been given. He would further submit that the parties have entered in to a compromise and they have also filed Compromise Memo before this Court.

4. The learned counsel for the petitioners would further submit that at the time of granting Anticipatory Bail in CrI.O.P.Nos.12462 and 11537 of 2021 dated 20.07.2021, the petitioners were directed to deposit a sum of Rs.4,00,000/- to the credit of Crime No.846 of 2021 before the learned Judicial Magistrate, Sriperumbudur and they have deposited the aforesaid amount to the credit of crime number. The learned counsel for the petitioners would pray that pursuant to the quashment of the proceedings, the petitioners may be permitted to file an application to withdraw the aforesaid amount.

5. Heard both sides and perused the materials available on record.

6. A Compromise Memo has been filed before this Court, which have been signed by the petitioners and the second respondent and also by the learned counsel for the petitioners. The petitioner and the second respondent were also present in person



before this Court and they were identified by Mr.S.Chandrasekaran, the Sub Inspector of Police, Sriperumbudur Police Station, Kancheepuram. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offences involved are 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 of Cr.P.C., quashes the First Information Report in Crime No.846 of 2021.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.846 of 2021, on the file of the first respondent police is quashed and the terms of Compromise Memo shall form part and parcel of this order. The learned Judicial Magistrate, Sriperumbudur is directed to return the amounts, which has been deposited by the petitioner/accused to the credit of Crime No.846 of 2021 on filing proper application and proof.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

arb/dk

To

1. The Judicial Magistrate,
Sriperumbudur.
2. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.B.M.Santharam, Advocate, S.R.No.20708

CrI.O.P.No.6788 of 2022

KK[co]
NSK 19/04/2022