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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8438 OF 2022

Punniyavathy @ Punithavathai

... Petitioner/
Sole Accused

Vs.

1. The State rep by its:
Sub Inspector of Police,
Central Crime Branch Team-7,
Chit and Kandhavatti wing,
Vepery, Chennai - 600 007.

... 1st Respondent/Complainant

2. Babu
3. Komathi
4. Saravanan
5. Savitha
6. Sathiyavani
7. Asodha
8. Rose
9. Rajammal
10. Mallika
11. Nancy
12. Sulekha
13. Amudha

... Respondents 2 to 13/
Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records of C.C.No.174 of 2021 pending before the Judicial Magistrate-I, Poonamalle, Tiruvallur District and quash the same.

For Petitioner : Mr.M.J.Senthil Kumar

For Respondent 1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Respondents
2 to 13 : Mr.S.Sarath Chandran



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O R D E R

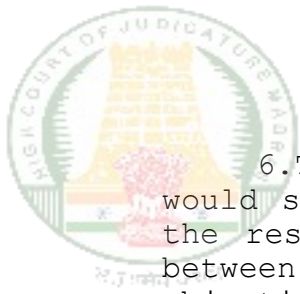
The Criminal Original Petition has been filed to call for the records of C.C.No.174 of 2021 pending before the Judicial Magistrate-I, Poonamalle, Tiruvallur District and quash the same.

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

3.The case of the prosecution is that petitioner was running unregistered chit without any Government approval and have cheated the respondent 2 to 13 by non-returning the chit amount totally Rs.11,71,330/-. On the complaint given by the second respondent/de-facto complainant, a case in Crime No.168 of 2014 was registered for the offences under Sections 406 and 420 of IPC and after completion of investigation, the respondent Police had filed the charge sheet against the petitioner in C.C.No.174 of 2022 on the file of the Judicial Magistrate, Poonamallee for the offences under Sections 406, 420 of IPC and Section 76(1) Chit funds Act 1982.

4.The learned counsel appearing for the petitioner would submit that the petitioner and the respondents 2 to 13 are residing in same vicinity and there was some money dispute between them. Due to which, a complaint has been given by the second respondent, a case in Crime No.168 of 2014 was registered. Subsequently, the petitioner and the 2nd respondent/de-facto complainant and other respondents 3 to 13/the victim have compromised the matter and the entire amount has been repaid to them and they have also filed a Memorandum of Compromise before this Court agreeing to quash the proceedings. He would further submit that the offences under Sections 406 and 420 of IPC and Section 76(1) Chit funds Act 1982 are compoundable as per Section 320(2) of Cr.P.C and Section 81 of the Chit Fund Act, 1982 and thereby, the proceeding on the file of the Judicial Magistrate, Poonamallee in C.C.No.174 of 2022 may be quashed on the ground of compromise.

5.The learned Additional Public Prosecutor appearing for the 1st respondent would submit that based on the complaint given by the 2nd respondent/de-facto complainant, a case in Crime No.168 of 2014 was registered for the offence under Sections 406 and 420 of IPC and after completion of investigation, the respondent Police had filed the charge sheet against the petitioner in C.C.No.174 of 2022 on the file of the Judicial Magistrate, Poonamallee for the offences under Sections 406, 420 of IPC and Section 76(1) Chit funds Act 1982. He would further submit that the case now stands posted to 10.05.2022 for trial.



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6. The learned counsel appearing for the respondents 2 to 13 would submit that the respondents 2 to 13/victims have received the respective amount and the matter has also been compromised between the parties. He would further submit that they have no objection in the proceeding being quashed on the ground of compromise.

7. The parties have compromised the matter and also filed a Memorandum of Compromise before this Court, which have been signed by the petitioner and the respondents 2 to 13 and also by their respective counsel. The petitioner and the respondents 2 to 13 were also present in person before this Court and they were identified by the respondent Police and their respective counsel. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. The relevant portion of the Memorandum of Compromise is extracted hereunder :-

"4. The First Party and the Second Party have made compromise talks in respect of this case and First party have voluntarily settled the amount to the Second party and they acknowledged the amount received from the First party, thereby they have amicably reached a compromise, without any influence from anybody and without any compulsion with respect to this C.C.174 of 2021 pending on the file 1st Judicial Magistrate Poonamalle. There is no ill will or bad feeling between parties of both the parties. The First party and the Second party state that they have resolved and settled all the alleged issues between ourselves amicably with respect to the disputed raised in CC.No.174 of 202.

5. Both the First party and Second party have come forward with a settlement according to the advice of well wishers on both sides. The first party being women aged about 62 years is a respectable person in the society. The continuation of the proceedings before this Judicial Magistrate Court may not be conducive for amicable and peaceful co-existence and if the proceedings are continued, it will create further complications without an end. The Second party have no objection to allow the

First party quash petition before this Hon'ble Court against the said FIR in Crime No.168/2014 on the file of the 1st respondent police and consequential charge sheet filed against the First party in C.C.No.174 of 2021 pending on the file of 1st Judicial Magistrate, Poonamalle and the 2nd to 13th respondents have no objection to quash the above same.



6. In view of affirming and acknowledging the compromise, the present memo filed by the First party and Second party jointly. There is no fraud or coercion in such compromise as stated earlier".

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8. 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 Gujrat), this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in C.C.No.174 of 2021.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.174 of 2021 on the file of the Judicial Magistrate No.I, Poonamalle, Thiruvallur District, is quashed and the Memorandum of Compromise dated 30.03.2022 shall form part and parcel of this order.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

*Xerox copy of Joint Compromise Memo is enclosed.

vkcr/nti

To

1. The Judicial Magistrate No.1,
Poonamalle, Tiruvallur District.
2. The Sub Inspector of Police,
Central Crime Branch Team-7,
Chit and Kandhavatti wing,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.J.Senthil Kumar, Advocate, S.R.No.28996

Cr1.O.P.No.8438 of 2022

NRJK (CO)
PM/04/05/2022