

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.15138 of 2022

D.Jamunadevi
Rep.by prop
Mr.Radadiya Prakash Babubhai ... Petitioner

Vs.

1. The State Rep. by The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai - 600 026.
[Crime No.1094 of 2020]

2. C.Saravanan ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.1094 of 2020 pending before the first respondent and quash the same.

For Petitioner : Mr.S.K.Kannadasan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

Mr.G.Balachandar - R2

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.1094 of 2020 on the file of the first respondent for the offences under sections 406 and 420 of IPC.

2. The allegations against the petitioner in the First Information Report is that the petitioner demanded Rs.12 lakhs for getting a job to the wife of the defacto complainant in P.W.D Department. The further allegation against the petitioner

is that after receiving the above amount, the petitioner failed to get the job as promised and also failed to return the money to the defacto complainant.

3. The petitioner and the defacto complainant have filed a Joint Compromise Memo before this Court to the effect that as the petitioner has deposited a sum of Rs.12 lakhs to the credit of the Crime No.1094 of 2020 before the Judicial Magistrate No.II, Alandur, Chennai and the said amount has been withdrawn by the defacto complainant, the petitioner seeks to quash the proceedings against him.

4. Mr. K.Durairaj, Sub Inspector of Police was present before this Court and he informed this Court that the defacto complainant had approached him and informed that since the amount given by the petitioner has been deposited before the concerned Court to the credit of the Crime number and the he had withdrawn the said amount, he do not want to proceed further with the criminal proceedings against the petitioner.

5. The Defacto Complainant is also present before this Court at the time of hearing. This Court enquired the defacto complainant and he stated that as he had withdrawn the amount deposited by the petitioner, he is not willing to proceed with the the criminal proceedings and seeks to quash the same.

6. The learned Additional Public Prosecutor appearing on behalf of the first respondent submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

7. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath, reported in 2017 9 SCC 641 and in case of The State of Madhya Pradesh Vs. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

8. In the present case, the offence in question are purely individual/personal in nature. It involves dispute between the petitioner and the defacto complainant and quashing the proceedings, will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.1094 of 2020 on the file of the first respondent in exercise of its jurisdiction under Section 482 of the Criminal.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.1094 of 2020 on the file of the first respondent, is quashed. The Joint Memo of compromise filed by the parties shall form part of the records.

(*Herein enclosed the xerox copy of compromise Memo)

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrc

To,

1. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai - 600 026.

2. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.E.Sathiyaraj, Advocate Sr.NO.41368

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kv(CO)

A.SK(20/07/2022)