



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.21247 OF 2021

AND

CRL.M.P.NO.11513 OF 2021

Syed Noor Mohammed

...Petitioner / Accused

Versus

1.State: The Inspector of Police,
Cyber Crime, Erode Police Station,
Erode.

2.Selvaraj

...Respondents / Respondents

Prayer : This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records and quash the F.I.R. in Crime No.02 of 2021 pending on the file of the 1st respondent .

For Petitioner : Mr.T.K.S.Gandhi

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to call for the entire records in Crime No.02 of 2021 on the file of the first respondent police and quash the FIR against the petitioner.

2. The case of the prosecution is that on a message from the petitioner stating to invest money in one entity called "Future Track" so that the investor would get 10% interest, the second respondent / defacto complainant had transferred Rs.4,50,000/- to the account of petitioner and thereafter the petitioner avoided the calls of the defacto complainant. Hence, the defacto complainant lodged a complaint before the first respondent police and a case has been registered in Cr. No.02 of 2021 for the offences under Section 420, 406 IPC and Section 66D of Information Technology Act, 2000.



3. The learned counsel for the petitioner submitted that the petitioner is a law abiding person and he has not committed any offence as alleged in the complaint. The petitioner has no intention to commit offence and he only had bonafide impression to invest the money and earn and did not cheat as alleged. Now, the petitioner has returned the said amount of Rs.4,50,000/- to the second respondent and both the parties have come to a compromise. Hence, the petitioner had filed this petition to quash the FIR in Crime No.02 of 2021.

4. The case is still at the stage of investigation. By passage of time, the parties have decided to compromise the dispute amicably among themselves.

5. The Affidavit dated 21.10.2021 has been filed by the 2nd respondent/de-facto complainant before this Court. The 2nd respondent and petitioner are present through Video conferencing. In the affidavit, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Crime No.02 of 2021. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offence involved is 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), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., inclined to quash the First Information Report in Crime No.2 of 2021.

7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.2 of 2021, on the file of the 1st respondent police, is quashed and the terms of affidavit dated 21.10.2021 shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

Encl.: Xerox copy of Joint Memo of
Compromise dt.07.08.2021

Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jas/bkn



To

1.The Inspector of Police,
Cyber Crime, Erode Police Station,
Erode.

2.The Public Prosecutor
High Court, Madras.

Crl.O.P.No.21247 of 2021

JPL (CO)
RVM(11/02/2022)