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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20819 of 2021

1. Deepak Kumar
2. Anbarasi

...Petitioners

Versus

1. The State,
Rep by the Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.37 of 2018)

2. Vadivel

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 praying to call for the entire records pursuant to the Crime No.37 of 2018 pending investigation on the file of the 1st respondent police, and quash the same in so far as the petitioners are concerned by allowing this Criminal Original Petition.

For Petitioners : Mr.M.Mariappan

For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : Mr.V.T.Srinivasan

O R D E R

The Criminal Original Petition has been filed to call for the entire records pursuant to the Crime No.37 of 2018 pending investigation on the file of the 1st respondent police, and quash the same.

2. The case of the prosecution is that the de-facto complainant seen an advertisement in JAYAM TV that a Jewellery shop was going to be opened at Omalur in the name of Saranya Jewellery Shop and they will offer extra $\frac{1}{2}$ sovereign gold jewels



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on payment of Rs.23,000/- for one sovereign after 45 days (i.e) at the time of opening the above said jewellery shop. Based on the said advertisement, the de-facto complainant approached the petitioners and paid Rs.46,000/- for two sovereign gold jewels, for which, they have also received the receipt. Thereafter, on 18.01.2018, the de-facto complainant explained to his parents about the above said advertisement and payment made. But, his parents have insisted him to get back the amount from the petitioners/accused 1 and 2. When the de-facto complainant requested the petitioners to return the paid amount, they refused to give the same. But, they took back the paid receipt forcibly from the defacto complainant and abused in filthy language and also threatened him. Hence, the de-facto complainant filed a complaint against the petitioners and others and FIR was registered in Crime No.37 of 2018 for the offences under Sections 406, 467, 468, 470, 471, 420, 294(b) and 506(1) of IPC.

3. The learned counsel for the petitioners submitted that the petitioners are law abiding persons and they have not committed any offence as alleged in Crime No.37 of 2018.

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. A Joint Memo of Compromise dated 20.01.2022 has been filed before this Court which have been signed by the petitioners and the 2nd respondent and also by their respective counsel. In the Joint Memo of compromise, it has been stated that the petitioners and the second respondent have entered into a compromise and amicably settled their issues in Crime No.37 of 2018. The De-facto complainant, on 18.01.2022, had received the amount of Rs.46,000/- by cash from the petitioners and settled the issue out of Court. 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.37 of 2018.



7. In the result, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.37 of 2018, on the file of the 1st respondent police, is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

(*) Herein enclosed the xerox copy of the Joint compromise Memo

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mpl/srn

To

1. The Inspector of Police,
Omalur Police Station,
Salem District.

2. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Mariappan, Advocate, S.R.No.4848

+1cc to Mr.V.T.Srinivasan, Advocate, S.R.No.4849

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PCH[col]
NSK 09/02/2022