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CrI.OP.No.25346 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V. SIVAGNANAM

CrI.O.P. No.25346 of 2022

1. Sri Hari Motors,
represented by its Proprietor
Mr. Karthik Kumar,
2. Sri Raj Bajaj,
represented by its Proprietor
Karan Raj,
No.32/64, Madhavaram High Road,
Moolakadai, Madhavaram,
Chennai .
3. IDFC First Ltd.,
represented by its Sales Manager,
Mr. Ragul,
Amarasri Building,
No.455, 1st Floor, Annasalai,
Teynampet, Chennai.

.. Petitioners

Vs.

1. State rep.by
Inspector of Police,
MKB Nagar Police Station,
Chennai
2. Ganesh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Cr.No.597 of 2022 on the file of the 1st respondent herein and quash the same.



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For Petitioners : Mr. A. Thirumaran
For Respondents : Mr.S.Santhosh
Govt.Advocate (Crl.side) for R1
Mr. S. Rajkumar

ORDER

The Criminal Original Petition has been filed to quash the FIR in Crime No.597 of 2022 pending on the file of the first respondent for the offences punishable under Sections 406 and 420 IPC.

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

3.A Joint Memo of Compromise dated 22.09.2021 has been filed before this Court which has been signed by the petitioners, their counsel and the second respondent. The petitioners and the second respondent were also present in person before this Court and they were identified by the concerned Inspector of Police, MKB Nagar Police Station, Chennai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. In the instant case, the dispute is of personal in nature and the parties have compromised with each other. Whereas the parties have



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compromised the matter, the High Court has power to quash the complaint for the offence under Sections 406 and 420 IPC.

5. The legal position expressed by the Hon'ble Apex Court in the case of **Gian Singh vs. State of Panjab and another** reported in **(2012)10 SCC 303** and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath**) reported in **(2017)9 SCC 641** was taken into consideration.

6. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the investigation pending in Cr.No.597 of 2022 pending on the file of 1st respondent even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the FIR pending in Crime No.597 of 2022 on the file of the 1st respondent is quashed and the terms of Joint Compromise Memo shall form part and parcel of this order.

19.10.2022

msr



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V. SIVAGNANAM, J.

msr

To

1. The Sub Inspector of Police (L & O)
K-10, Koyambedu Police Station,
Koyambedu, Chennai
2. The Public Prosecutor,
High Court of Madras.

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19.10.2022