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Crl.O.P.No.25757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25757 of 2022

C.Krishnasamy @ Mani

... Petitioner

Vs.

1.State of Tamil Nadu rep by,
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.

2.Mohamed Kajamoideen

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records pertaining to FIR in Crime No.628 of 2022 pending on the
file of the Mettupalayam Police Station, Coimbatore District and quash the
same.

For Petitioner : Mr.M.Mohammed Riyaz

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.628 of 2022 pending on the file of the Mettupalayam Police Station, Coimbatore District for the offences under Sections 3 & 4 of Tamil Nadu of Charging Exorbitant Interest Act, 2003.

2.The case of the prosecution is that during the year 2017, the second respondent had borrowed a sum of Rs.2,00,000/- from the petitioner. The second respondent was regularly paying the monthly interest to the petitioner. When the second respondent was unable to pay the interest money on 27.07.2022, the petitioner came to the house of the second respondent and demanded exorbitant rate of interest for the interest amount, which was payable by the second respondent. Therefore, the second respondent lodged a complaint against the petitioner and a case has been registered against the petitioner in Crime No.628 of 2022 for the offences punishable under Sections 3 and 4 of TN Prohibition of Charging Exorbitant Interest Act 2003.

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



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4. A Joint Compromise agreement, dated 29.09.2022, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.Srinivasan, Head Constable (1445), Mettupalayam Police Station as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5.In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offences under Sections 3 and 4 of TN Prohibition of Charging Exorbitant Interest Act 2003.

6.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* were taken into consideration.



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7.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 proceedings in Crime No.628 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

8.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.628 of 2022 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise agreement shall form part and parcel of this order.

26.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk



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- To
- 1.The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
 2. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM,J.
shk

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