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Crl.O.P.No.29679 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.29679 of 2022

B.Vishal

... Petitioner

Vs.

1. Inspector of Police,
J-9, Thuraipakkam Police Station,
Mahabalipuram Road,
Chennai-600 097.
(Cr.No.240 of 2022)

2. Tmt.Kalaivani

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings of the FIR in Cr.No.240 of 2022 on the file of the 1st respondent quash the same.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor for R1



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ORDER

This Criminal Original Petition has been filed to call for the records relating to the proceedings of the FIR in Cr.No.240 of 2022 on the file of the 1st respondent quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. The learned counsel for the petitioner submitted that the petitioner is the sole accused in this case; the second respondent, who is the *defacto* complainant, was the lessee of the petitioner's mother, who is no more now; even prior to the lease, the subject property is said to have been sold to third party without settling the lease amount to the *defacto* complainant; since the second respondent was given pressure by third parties to vacate the house, she had filed the complaint for the offence of cheating.

4. Now, the learned counsel for the petitioner submitted that the parties have amicably settled the dispute between themselves and the terms of the compromise have been reduced to writing in a Joint Memo of Compromise, in which, both the parties have signed.



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5. Both the *defacto* complainant and the petitioner are present before this Court.

6. The *defacto* complainant has stated that she has received the lease amount and she would vacate the premises shortly. When enquired, the *defacto* complainant stated that she has accepted without any coercive or threat.

7. Since the parties have chosen to go peacefully and the money due to the second respondent is also settled, no useful purpose will be served if the petitioner is subjected to trial. Further, it is not the matter of the petitioner, who had entered into the lease agreement with the second respondent.

8. Considering the above developments and the circumstances of the case, I feel it is appropriate to allow the parties to go in peace. Even though the petitioner has been charged for the offence under Sections 406 & 420 IPC, which are non-compoundable in nature, no useful purpose will be served in view of the compromise between the parties. 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 Gujrath)**, this Court in exercise of power under Section 482 Cr.P.C. prefers to quash the proceedings in Crime No.240 of 2022 on the file of the 1st respondent.



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9. In the result, this Criminal Original Petition is allowed and as a sequel, the further proceedings in Crime No.240 of 2022 on the file of the 1st respondent, is quashed in view of the Joint Compromise Memo filed by both the parties.

02.12.2022

Index: Yes/No

Speaking / Non Speaking Order

kmi

To

1. The Inspector of Police,
J-9, Thuraipakkam Police Station,
Mahabalipuram Road,
Chennai-600 097.

2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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