



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD) .No.8216 of 2022

WEB COPY

Boni K Xavier

... Petitioner/Sole Accused

Vs.

1. The State through
The Inspector of Police,
Aundipatti Police Station
Theni District.
(In crime No.11 of 2013).

... Respondent No.1/De-jure
Complainant

2. M/s.Kosamattam Finance Company,
Represented by Albin Varghese,
Area Manager, Theni Area,
Theni District.

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the entire records connected with the case in C.C.No.196/2016, pending on the file of the learned Judicial Magistrate, Aundipatti and quash the same.

For Petitioner	: Mr.N.Raja
For R-1	: Mr.B.Thanga Aravindh Government Advocate (Crl.Side)
For R-2	: Mr.S.Malaikani

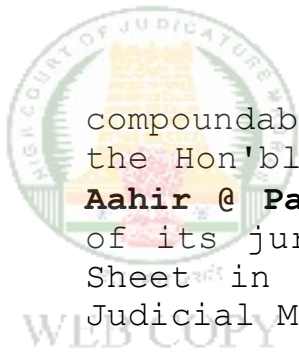
ORDER

The Criminal Original Petition has been filed to quash the charge sheet in C.C.No.196/2016, pending on the file of the learned Judicial Magistrate, Aundipatti, for an alleged offences under Sections 417, 420, 406, 408, 465 and 468 of IPC.

2.The case is under trial. 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 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent in police. Even though, the offences involved are 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in C.C.No.196/2016, pending on the file of the learned Judicial Magistrate, Aundipatti.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in C.C.No.196/2016, pending on the file of the learned Judicial Magistrate, Aundipatti, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. Further, the petitioner shall pay a sum of Rs.**5,000/-** as costs, to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), on or before **30.05.2022** and the receipt of payment shall be produced before the concerned Court, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

ENCL : Joint Compromise Memo

To

1. The Judicial Magistrate,
Aundipatti, Theni.
2. The Inspector of Police,
Aundipatti Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to :

The Joint Secretary to Government,
CMPRF (Finance Department),
Secretariat Branch, Chennai-9.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-22562[F] dated 29/04/2022)

CrI.O.P.(MD).No.8216 of 2022

29.04.2022