



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P(MD) No.8504 of 2022

and

Cr1.M.P(MD)No.5768 of 2022

WEB COPY

1.J.Mary Grace

2.R.S.Kannan

.. Petitioners/Accused Nos.1 & 2

Vs.

1.State through

The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

(Cr.No.29 of 2022)

..1st Respondent/Complainant

2.Latha

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the proceeding of the FIR in Crime No.29 of 2022 dated 25.01.2022 on the file of the first respondent.

For Petitioners

: Mr.K.Prabhu

For R1

: Mr.M.Sakthikumar

Government Advocate (Cr1.Side)

For R2

: Mr.J.Jeyakumaran

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.29 of 2022 on the file of the first respondent police.

2.The case of the prosecution is that the husband of the first petitioner and the 2nd petitioner were running a Cable TV Network Company in the name and style of 'Nila Network' with 1380 connections. Since the said company was facing severe loss, they proposed to sell it to the defacto complainant for a sum of Rs.27,00,000/-. The defacto complainant was not having that much of amount, she gave a sum of Rs.13,50,000/- to the husband of the first petitioner and became a partner of the said Nila Network and also entered into an agreement into writing in the unregistered stamp paper Rs.20/-. From the year 2017, the husband of the first petitioner did not show any accounts to the defacto complainant. Further, the defacto complainant came to know that the husband of the first petitioner has obtained loan from the Bank in the name of the Cable TV Network without consent of the defacto complainant. Hence, she gave a complaint against the first petitioner. Based on the complaint given by the de-facto complainant, the F.I.R. has been



registered for the offences under Sections 403, 406 and 420 of IPC.

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 Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.B.Saravanan, Head Constable, Thirumangalam Town Police Station, Madurai. 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 civil 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 offence under Sections 403, 406 and 420 of IPC.

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.

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.29 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.29 of 2022 on the file of the first respondent police, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

vsd



To

- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K. PRABHU, Advocate (SR-26604[F] dated 17/06/2022)

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