



Crl.O.P.(MD) No.11169 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11169 of 2022

1.G.Bala Arun Raja

2.K.Mukunthan

... Petitioners

Vs

1.The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

2.T.Kirubananthakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in Crime No.126 of 2022 on the file of the first respondent Police and quash the FIR in Crime No.126 of 2022 on the file of the first respondent police against these petitioners.

For Petitioners : Mr.S.Muthumalai Raja

For 1st Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

For 2nd Respondent : Mr.Ka.Ramakrishnan



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Crl.O.P.(MD) No.11169 of 2022

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.126 of 2022 on the file of the first respondent Police Station.

2.The case of the prosecution is that the first petitioner is running a finance company and while the second respondent has borrowed some loan five years prior to the complaint and while so the petitioner has obtained signatures from the second respondent in blank papers and cheques and has also collected interest more than the principal amount and principal amount also later repaid to the first petitioner. Thereafter, the petitioner has not given back the documents and has insulted the second respondent in public and also threatened him to life. Hence, the complaint.

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.



Crl.O.P.(MD) No.11169 of 2022

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.A.Sundarapandian, SSI of Police, Kanyakumari Police Station. 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 money dispute is pending between the parties 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 409, 420 and 503 of IPC and Section 4 of Tamil Nadu 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.



Crl.O.P.(MD) No.11169 of 2022

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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.126 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.126 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.

23.06.2022

Internet:Yes./No
Index:Yes/no
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Crl.O.P.(MD) No.11169 of 2022

To

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



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Crl.O.P.(MD) No.11169 of 2022

V.SIVAGNANAM, J.

vsg

ORDER IN
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