



**Crl.O.P.(MD) No.11168 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 23.06.2022

CORAM

**THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**CRL.O.P (MD) No.11168 of 2022**

1.G.Bala Arun Raja

2.K.Mukunthan

3.S.Vijaya Kumar

... 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.38 of 2022 on the file of the first respondent Police and quash the FIR in Crime No.38 of 2022 on the file of the first respondent police against these petitioners.



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For Petitioners : Mr.S.Muthumalai Raja

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

For 2<sup>nd</sup> Respondent : Mr.Ka.Ramakrishnan

## **ORDER**

This Criminal Original Petition has been filed to quash the FIR in Crime No.38 of 2022 on the file of the first respondent Police Station.

2.The case of the prosecution is that the petitioner is the owner of the vehicel bearing Registration No.TN 74 AQ 0860 Honda City Car. The petitioner is the proprietor of STJ Travels and he purchased the above car for the travel agency purpose and the above said car from the STJ travels was fixed for contract basis to L & T company. The above vehicle used to go for the contracted company in the morning and will return in the night and the car will be parked in the vacant land in front of the petitioner's house. On 25.09.2021 at about 1.30 a.m the petitioner's brother namely Chandra Jeyakumar who has come out of a house for attending the nature's call, found that some person took the above car and committed theft. Thereafter, the petitioner on suspicion called one Bala Arunraja,



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S/o.Ganeshan, with whom he had already dispute, who was person charging exorbitant interest for a lower principal amount lent to the petitioner and demanded heavy exorbitant interest and as it was not accepted by the petitioner, the above said Bala Arunraja for the purpose of exorbitant interest has stolen away the above vehicle from the custody of the petitioner. Thereafter, the petitioner has lodged a complaint before the investigation agency. Since no action has been taken, the petitioner has approached the learned Judicial Magistrate No.I, Nagercoil, and filed a petition under Section 156 (3) of Cr.P.C. in Cr.M.P.No.8270 of 2021 to register the case and the same was ordered. 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.

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



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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 465 and 379 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.38 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



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8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.38 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  
vsg

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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**V.SIVAGNANAM, J.**

vsg

ORDER IN  
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