



CRL.O.P (MD) No.11372 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11372 of 2022

Nagarajan

...Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
(In Crime No.65 of 2022)

...1st Respondent/Complainant

2.Raja

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned F.I.R. in Crime No.65 of 2022 pending on the file of the first respondent police and to quash the same as against the petitioner.

For Petitioner : Mr.J.David Ganesan

For R1 : Mr.M.Sakthikumar
Government Advocate (Crl.side)

For R2 : Mr.M.Karuppasamy



CRL.O.P (MD) No.11372 of 2022

ORDER

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This Criminal Original Petition has been filed to quash the FIR in Crime No.65 of 2022, on the file of the first respondent police.

2.The case of the prosecution is that the petitioner's brother-in-laws wife one Santhika borrowed a sum of money from the defacto complainant's wife and failed to repay the same. Even after several requests made, the said Santhika did not repay the borrowed amount. The petitioner, being the relative of the said Santhika called the defacto complainant over phone and criminally intimidated him with filthy language. 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 petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by



CRL.O.P (MD) No.11372 of 2022

Mr.S.Suresh, SSI of Police, Nesamony Nagar Police Station, Kanyakumari District. 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 with regard to the money 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 294(b) and 506 (ii) 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.65 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.



CRL.O.P (MD) No.11372 of 2022

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.65 of 2022 on the file of the first respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

27.06.2022

Internet: Yes./No
Index: Yes/no
vsd

To

1. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
(In Crime No.65 of 2022)
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL.O.P (MD) No.11372 of 2022

V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.11372 of 2022

27.06.2022