



*CrI.O.P.(MD) No.14157 of 2022*

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

**DATED: 05.08.2022**

**CORAM:**

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

**CrI.O.P.(MD) No.14157 of 2022**

1. Ramesh  
2. Vatchala

... Petitioners

**Vs.**

1. The Inspector of Police  
City Crime Branch  
Madurai City

2.Kaniyappan

....Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the case in CC No.445 of 2022 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same.

|                 |                               |
|-----------------|-------------------------------|
| For Petitioners | : Mr.N.Mariappan              |
| For Respondents | : Mr.E.Antony Sahaya Prabahar |
| No.1            | Additional Public Prosecutor  |
| No.2            | : Mr.V.Chandrapandi           |



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**ORDER**

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.445 of 2022 on the file of the learned Judicial Magistrate No.I, Madurai

2.The case of the prosecution is that the second respondent is the Investor with the Thangamayil Jewellery. In the year 2014, there was a General Body Meeting held in the Jewellery. In the said meeting a gold saving scheme was introduced for a duration of three years with more interest as to that of bank fixed deposit. The defacto complainant told them that his relative is an age old lady and it not possible to get her to the shop. Hence the officials of the jewellery shop sent the first accused with the necessary application to the cusotmer's house The first accused went to the residence of the relative's house of the defacto complainant and explained about the scheme and got signature in the application formm and three cheque leaves drawn on Tamil Nadu Mercantile Bank for a sum of Rs.10lakhs, Rs.8 lakhs and Rs.6lakhs bearing Cheque Nos.



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1007752,1007758 and 1144236 respectively and issued receipts to that effect. Due to the above said act, the defacto complainant believed him and invested huge amount. Further his relatives also invested some amount. Thereafter the accused persons failed to return the same, hence the case came to be registered.

3.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. Today the complainant and the accused persons present before this Court. The defacto complainant submitted that he and his relatives received a sum of Rs.38 lakhs from the accused persons as the said amount was not deposited in the jewellery scheme and they have also settled the matter out of the Court and the defacto complainant stated that he does not want to continue the criminal proceedings as against the accused persons.



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5.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.C. Periyakaruppan, SSI of Police, CCB II, Madurai as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. In the instant case, it seems to be a money dispute 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 420,436,437,468 of IPC.

7. 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.



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8. 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 CC No.445 of 2022 on the file of the learned Judicial Magistrate No.I, Madurai , even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the entire proceedings in CC No.445 of 2022 on the file of the learned Judicial Magistrate No.I, Madurai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

05.08.2022

Internet: Yes  
Index: Yes/No  
Speaking/Non speaking order  
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To

1. The Judicial Magistrate No.I, Madurai
2. The Inspector of Police  
City Crime Branch  
Madurai City
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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