



Crl.O.P.(MD) No.14701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM:

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

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T.Jamboo

... Petitioner

Vs.

1. The Inspector of Police
South Gate Police Station,
Madurai City

2. V.Pal Chinnaiah

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the charge sheet in CC No. 188 of 2019 on the file of the learned Judicial Magistrate No.IV, Madurai and quash the same as illegal as against the petitioner.

For Petitioner	: Mr.I.Mubarak Mandiri
For Respondents	: Mr.A.Albert James
No.1	Government Advocate (Crl.Side)
No.2	: Mr. J.Mohamed Ibrahim



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ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in CC No.188 of 2019 on the file of the learned Judicial Magistrate No.IV, Madurai.

2.The case of the prosecution is that the petitioner herein lured the second respondent that he would get job for his son in the Madurai Kamaraj University and received a sum of Rs.1,50,000/- from the second respondent. Thereafter he neither secured job nor repaid the money. Hence the case came to be registered. After investigation filed final report and the same has been taken cognizance.

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. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and



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also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.P.Ramasamy SI of Police, B.5, South Gate Police Station, Madurai City 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.

5. In the instant case, there exist money dispute and they have compromised the matter out of court. Where the parties have compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 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.



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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 CC No.188 of 2019 on the file of the learned Judicial Magistrate No.IV, Madurai District 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 CC No.188 of 2019 on the file of the learned Judicial Magistrate No.IV, Madurai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

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



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To

1. The Judicial Magistrate No.IV, Madurai
2. The Inspector of Police
South Gate Police Station,
Madurai City
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

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