



Crl.O.P.(MD)No.21533 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.21533 of 2022

and

Crl.M.P.(MD)No.15165 of 2022

Reshma Banu

... Petitioner

Vs.

1.State represented by its
The Inspector of Police,
Cyber Crime Department - III,
Tirunelveli District.
(Crime No.20 of 2022)

2.M.Maharajan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.20 of 2022 on the file of the Inspector of Police, Cyber Crime Department – III, Tirunelveli District and quash the same as illegal.

For Petitioner : Mr.A.Mohamed Hashim

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.K.N.Guru



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ORDER

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This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the First Information Report in Crime No.20 of 2022 on the file of the first respondent police and quash the same as illegal.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.20 of 2022 dated 20.09.2022 for the offences under Section 420 IPC and Section 66D of the Information Technology (Amendment) Act 2008 INF C against unknown person. He would further submit that subsequent to the registration of the FIR, the first respondent has issued a notice under Section 41A Cr.P.C. to the petitioner/first accused directing her to appear before them on 10.11.2022 and that since the petitioner/first accused has already deposited the entire amount of Rs.7,00,000/- due to the second respondent/defacto complainant, she has come forward with the above petition.



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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 Mr.B.Natarajan, Sub-Inspector of Police, Tirunelveli 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, it is a money dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Section 420 IPC and Section 66D of the Information Technology (Amendment) Act 2008 INF C.



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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 Gujraath*** 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.20 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.20 of 2022 on the file of the first respondent police respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

14.12.2022

Index : Yes / No
Internet : Yes / No
csm



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To

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- 1.The Inspector of Police,
Cyber Crime Department - III,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.21533 of 2022

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