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Crl.O.P.No.4081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4081 of 2023

J.Kasiviswanath

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
T-17, Perumbakkam Police Station,
Chennai – 600 100.

2.P.Madhan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.310 of 2022 on the file of the 1st respondent Inspector of Police, T-17, Perumbakkam Police Station, Chennai for the offence under Sections 420, 406, 409 & 506 (i) of I.P.C. and quash the same and pass such order or other orders as this Court may deem fit and proper under the circumstances of the above case and thus render justice.

For Petitioner : Mr.C.Mohanraj
For R-1 : Mr.S.Santhosh
Government Advocate (Criminal Side)
For R2-R4 : Mr.D.Senthilvel



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ORDER

This Criminal Original Petition has been filed to call for the records in Crime No.310 of 2022 on the file of the 1st respondent Inspector of Police, T-17, Perumbakkam Police Station, Chennai, for the offence under Sections 420, 406, 409 & 506 (i) of I.P.C. and quash the same.

2.The First Information Report in this case was registered in Cr.No.310 of 2022 for the offence under Section 420, 406, 409 and 506 (1) I.P.C. by Perumbakkam Police Station, against the petitioner on the basis of the complaint given by second respondent. The allegation is that the petitioner had received a total sum of Rs.15,00,000/- from the defacto-complainant, Shakthi Vignesh and Senthamarai Kannan with a promise to give lucrative returns. However, he neither paid any returns nor repaid their investment. Therefore, the complaint was given.

3.When the matter is taken up, the petitioner, second respondent/defacto-



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complainant, victims Senthamarai Kannan and Sakthi Vignesh are present and they were identified by Mr.G.Ekambaram, Sub Inspector of Police, T-17, Perumbakkam Police Station. They filed a joint compromise memo dated 31.01.2023, wherein it is stated that parties have resolved their dispute and petitioner repaid defacto-complainant and the aforesaid victims. Now, they do not want to prosecute the petitioner and have no objection for quashing First Information Report in Cr.No.310 of 2022 on the file of the first respondent. Respondents 2 to 4 also filed a consent affidavit for quashing the criminal case in Crime No.310 of 2022.

4. The learned Government Advocate (Crl.Side) submitted that 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.

5.Considering the fact that the issue between the parties relates to money transaction and that the respondents 2 to 4 do not want to prosecute the case against the petitioner, and that they have no objection for quashment of proceedings, no useful purpose will be served in keeping the proceedings pending in Crime No.310 of 2022 against the petitioner. This Court also enquired both



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the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the proceedings pending in Crime.No.310 of 2022 on the file of the respondent police against the petitioner.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending in Crime.No.310 of 2022, on the file of the respondent police against the petitioner is quashed and the terms of joint compromise memo shall form part and parcel of this order.

27.02.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

- 1.The State represented by
The Inspector of Police,
T-17, Perumbakkam Police Station,
Chennai – 600 100.
2. The Public Prosecutor,
Madras High Court.



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G.CHANDRASEKHARAN,J.
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