



Crl.O.P.No.3701 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.02.2023**

**CORAM:**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.3701 of 2023**

1.S.Vadivel  
2.V.Kavitha

... Petitioners

**Vs.**

1.State of Tamilnadu rep by,  
The Inspector of Police,  
C-1 Flower Bazaar Police Station,  
Chennai 600 001.

2.R.Manikandan

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in respect of the FIR in Cr.No.269/2022 now pending investigation on the file of the first respondent herein and consequentially quash the same.

For Petitioners : Mr.G.Mohanakrishnan

For Respondents : Mr.S.Santhosh,(for R1)  
Government Advocate (Crl.side)



Crl.O.P.No.3701 of 2023

WEB COPY

## **ORDER**

This petition is filed to call for the records in respect of the FIR in Crime No.269 of 2022 now pending investigation on the file of the first respondent herein and to quash the same.

2. On the basis of the complaint given by the *de-facto* complainant Manikandan First Information Report in Crime No.269 of 2022 for the offence under Section 420 of IPC was registered by the Flower Bazaar Police Station. The allegation against the petitioner/accused is that he had cheated the 2<sup>nd</sup> respondent/*de-facto* complainant by not paying the money payable due to supply of cashew nuts.

3. Now, it is claimed that both the accused/petitioner and the 2<sup>nd</sup> respondent/*de-facto* complainant have resolved their disputes and they don't want to proceed further with this case. They filed joint compromise memo along with consent affidavit of the *de-facto* complainant/2<sup>nd</sup> respondent. It is seen from the joint compromise memo and the consent affidavit of the *de-facto* complainant that petitioner had paid the money due to the 2<sup>nd</sup> respondent



Crl.O.P.No.3701 of 2023

and the 2<sup>nd</sup> respondent does not want to proceed further. He has no objection for quashing the First Information Report in Crime No.269 of 2022 on the file of the first respondent herein.

4. Parties were present before this Court and they were identified by **Mr.S.K.Janakiraman, Special Sub Inspector of Police, C-1 Flower Bazaar Police Station**. This Court also enquired both the parties and they reiterated that they resolved the dispute and the 2<sup>nd</sup> respondent doesn't want to proceed further.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, even though, the offence involved is not compoundable in nature. 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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.269 of 2022 on the file of the first respondent herein.



WEB COPY



Crl.O.P.No.3701 of 2023

**G.CHANDRASEKHARAN, J.**  
mpl

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.269 of 2022, on the file of the first respondent police is quashed and the terms of joint compromise memo along with the consent affidavit of the *de-facto* complainant/2<sup>nd</sup> respondent dated 13.02.2023 & 09.02.2023 respectively shall form part and parcel of this order.

**21.02.2023**

Internet: Yes/No

Index: Yes/No

mpl

To

1. The Inspector of Police,  
C-1 Flower Bazaar Police Station,  
Chennai 600 001.

2. The Public Prosecutor,  
High Court of Madras.

**Crl.O.P.No.3701 of 2023**