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Crl.O.P.No.12962 of 2023

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

**DATED: 16.06.2023**

**CORAM:**

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

**Crl.O.P.No.12962 of 2023**

**and**

**Cr.M.P.No.7885 of 2023**

C.Shanmugasundaram

...Petitioner

**Vs.**

1.The State represented by  
The Inspector of Police,  
V6, Kolathur Police Station,  
Chennai – 600 099,  
Crime No.79 of 2023.

2.Mohanchander

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the impugned in Crime No.79 of 2023 on the file of the 1<sup>st</sup> respondent herein and quash the same.

For Petitioner : Mr.K.Krishnan  
For R-1 : Mr.Leonard Arul Joseph Selvam  
Government Advocate (Criminal side)

**ORDER**

This Criminal Original Petition is filed to call for the records in Crime No.79 of 2023, on the file of the 1<sup>st</sup> respondent herein and quash the same.



Crl.O.P.No.12962 of 2023

WEB COPY

2. FIR allegations shows that the second respondent borrowed a sum of Rs.3,00,000/- from the petitioner and he was repaying the same regularly. Since income tax was deducted from his salary and he has no money for his family expenses, he again asked for money from the petitioner. The conversation between petitioner and second respondent ended in a quarrel and during the quarrel, second respondent told the petitioner that what he will do if he is not there. Petitioner said to have replied that even if he is dead, his wife would get his job, then, he would recover the money from her. Not able to bear this statement, second respondent consumed soap oil in an attempt to commit suicide. Thus, petitioner was prosecuted for the offences under Sections 306 & 116 IPC and Section 4 of TN Prohibition of charging exorbitant interest Act, 2003 and FIR in Crime No.79 of 2023 was registered.

3. The learned Government Advocate (Crl.Side) submitted that, by passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



Crl.O.P.No.12962 of 2023

4. A Joint Memo of Compromise dated 02.06.2023 has been filed before this Court, which have been signed by the petitioner and the second respondent and also by the learned counsel for the parties.

5. The petitioners and the second respondent were also present in person before this Court and they were identified by **Mr.M.Raju, S.I, V6-Kolathur Police Station, Chennai**. This Court also enquired both the parties and is satisfied that the parties have come to an amicable settlement between themselves. The second respondent answered this Court, that he had entered into a Memorandum of compromise with the petitioner and he has no objection for quashing the proceedings in First Information Report in Crime No.79 of 2023, on the file of the first respondent.

6. Considering the fact that, the second respondent does not want to prosecute the case against the petitioner and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the proceedings in First Information Report in Crime No. 79 of 2023, on the file of the first respondent.



Crl.O.P.No.12962 of 2023

7. 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 Gujra~~th~~)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No. 79 of 2023, on the file of the first respondent.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the First Information Report in Crime No.79 of 2023, on the file of the Inspector of Police, V6, Kolathur Police Station, Chennai – 600 099 against the petitioner is quashed and the terms of joint compromise memo and the consent affidavit shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

**16.06.2023**

Internet :Yes

Index :Yes/No

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To:

1.The Inspector of Police,  
V6, Kolathur Police Station,  
Chennai – 600 099,  
Crime No.79 of 2023.

2.The Public Prosecutor,  
High Court of Madras.

4/5



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Crl.O.P.No.12962 of 2023

**G.CHANDRASEKHARAN, J.**  
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