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Crl.O.P No.19222 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.19222 of 2021

and

Crl.M.P No.10519 of 2021

1.P.Thangavel  
2.Jeyalakhmi  
3.Shanmughapriya  
4.Amudhakumari

... Petitioners/Accused

Vs.

1. State through the Inspector of Police,  
E-1 Singanallur Police Station,  
Coimbatore City  
In Crime No.778/2021.

... 1<sup>st</sup> respondent/complainant

2.M/s. S and T Welcare Equipments Pvt. Ltd.,  
Rep. through D.Shanmugasundaram

... 2<sup>nd</sup> Respondent/ Defacto  
complainant

**PRAYER:** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the FIR in Crime No.778/2021 dated 26.09.2021 on the file of the 1<sup>st</sup> respondent.



For Petitioners : Mr.M.Chandrasekaran  
For Respondents : Mr.A.Gopinath for R1  
Government Advocate (crl.side)

### **ORDER**

This Criminal Original Petition has been filed to quash the proceedings in FIR in Crime No.778/2021 dated 26.09.2021 on the file of the 1<sup>st</sup> respondent police.

2. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

3. When the matter was taken up today, the learned counsel for the petitioners submitted that the case has arisen out of some dispute in the management of "M/S.S and T Welcare Equipments Private Limited", Coimbatore, where D.Shanmugasundaram, representing the second respondent and the first petitioner are the directors. It is further submitted that the petitioners and the second respondent had amicably settled the issues between themselves and entered into a joint compromise and filed a



memo to that effect; hence the proceedings should be quashed.

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4. The first petitioner and D.Shanmugasundaram on behalf of second respondent are present before this Court today. The second petitioner is the mother of the first petitioner. The third petitioner is the sister of the first petitioner and the fourth petitioner is the wife of the first petitioner. A Joint Compromise Memo along with an affidavit of the second respondent have been filed. The defacto complainant and the petitioners have also affixed their signatures in the compromise memo, wherein it has been stated that the second respondent had amicably settled the issue with the petitioners by considering the future of their business and their relationship as directors of M/S.S and T Welcare Equipments Private Limited, Coimbatore. The first petitioner and D.Shanmugasundaram on behalf of second respondent are present and identified by their respective counsel and the 1st respondent Police namely Ms.K.Baby Rosy, Sub Inspector of Police, E-1 Singanallur Police Station, Coimbatore City. In order to identify the respective parties, they have also produced the copies of the Aadhaar Cards. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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5. When the defacto complainant was enquired, he has stated that he had voluntarily agreed to give quietus to the issue between himself and the first petitioner, in view of their past relationship and the future of their business. He further submitted that he has affixed his signature in the joint memo of compromise out of his own volition without any coercion or influence.

6. Since the second respondent and the first petitioner happened to be the directors of the same company, it is possible for them to develop some differences of opinion and that was culminated into a criminal complaint. Since the representative of the second respondent and the first petitioner have negotiated the issues between themselves and buried their hatchets, I feel an opportunity should be given to them to buy peace.

7. Under such circumstances, no useful purpose will be served in keeping the proceedings pending. Even though the offences involved are 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 Gujraht)**, this Court in exercise of power under



Section 482 Cr.P.C. prefers to quash the proceedings against the petitioners.

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In the result, this Criminal Original Petition stands **allowed** and as a sequel, the proceedings in FIR in Cr.No.778 of 2019 on the file of the first 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.

**27.02.2023**

Index : Yes/No  
Speaking Order : Yes / No  
Internet :Yes /No  
Neutral : Yes/No  
jrs

To

- 1.The Inspector of Police,  
E-1 Singanallur Police Station,  
Coimbatore City.
2. The Public Prosecutor,  
High Court of Madras.



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**R.N.MANJULA, J.,**

jrs

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**27.02.2023**