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Crl.O.P.No.3584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3584 of 2023

A.K.S.@ Subramanian

...

Petitioner

Vs.

1.The State rep by
Inspector of Police,
Kullanchavadi Police Station,
Cuddalore District.
(Crime No.425 of 2022)

2.G.Rajaprakash

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the FIR in Crime No.425 of 2022 on the file of the 1st respondent and quash the same as devoid of merit.

For Petitioner : Mr. V.Neethidurai
For Respondent : Mr.S.Santhosh
No.1 Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to call for the records relating to the FIR in Crime No.425 of 2022 on the file of the 1st respondent and quash the same as devoid of merit.



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2.The case of the prosecution is that second respondent/defacto complainant borrowed a sum of Rs.3,00,000/- from petitioner for his business purpose. Thereafter, second respondent/defacto complainant was not able to pay the amount and petitioner had threatened him to pay Rs.13,50,000/- else, he made death threat. Therefore, a case in Crime No.425 of 2022, for the offences under Sections 448, 352, 506 (i) IPC and Sections 3 & 4 of the TN Prohibition of charging exorbitant interest Act, 2003 was registered.

3.It is submitted by the learned counsel appearing for the parties that both second respondent/defacto complainant and petitioner have reached a compromise and the second respondent/defacto complainant does not want to proceed the case and has no objection for quashing the complaint.

4.Both petitioner and second respondent/defacto complainant are present in person before this Court and they were identified by Mr. D.Velayudham SSI, Kullanchavadi Police Station, Cuddalore District. When enquired, second respondent/defacto complainant reiterated that the issue between petitioner and second respondent/defacto complainant has been



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resolved and that he paid the principal amount Rs.2,86,000/- and received back the original documents. He submitted that there is no claim against each other and does not want to proceed with the case against the petitioner and has no objection for quashing the FIR in Crime No.425 of 2022.

5.Considering the facts that the parties have amicably settled the issue between them, second respondent/defacto complainant does not want to prosecute the case against petitioner and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the First Information Report pending.

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 Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.425 of 2022.

7.Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.425 of 2022, on the file of the first respondent police is quashed and the compromise affidavit of the second



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respondent/defacto complainant and the terms of joint compromise memo

shall form part and parcel of this order.

24.02.2023

sli

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1.The Inspector of Police,
Kullanchavadi Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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