



CrI.O.P.No.25463 of 2023
& CrI.M.P.No.17639 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.11.2023

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

CrI.OP.No.25463 of 2023
& CrI.M.P.No.17639 of 2023

1. A.Athithyan.
2. Arumugam.

... Petitioners/Accused

/versus/

1. State Rep. by,
The Inspector of Police,
City Crime Branch,
Coimbatore District.
(Crime No.43 of 2021).

... 1st Respondent/Complainant

2. P.S.Karthick.

... 2nd Respondent/defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleaded to call for the entire records connected with the case in C.C.No.1508 of 2023, pending on the file of the Learned Judicial Magistrate No.VII, Coimbatore and quash the same.

For Petitioner : Mr.T.Shanmugaboopathi

For R1 : Mr.S.Udaya Kumar,
Govt. Advocate (CrI.Side)



WEB COPY



Crl.O.P.No.25463 of 2023
& Crl.M.P.No.17639 of 2023

ORDER

The petitioner herein is the accused in C.C.No.1508 of 2023 pending on the file of Judicial Magistrate – VII, Coimbatore.

2. The Learned Counsel for the petitioners submit that the complaint was lodged against them alleging that, they have cheated the defacto complainant to the tune of Rs.18,00,000/-, assuring to get a job in Foreign. He submits that he has returned the money with interest and settled the matter with the defacto complainant. Hence, criminal case pending against them for offence under Section 406, 420, 120-B I.P.C has to be quashed.

3. It is case of money transaction and if the parties have settled the dispute, same may be reported before the Judicial Magistrate, who has taken cognizance of the offence and any such application is to be filed either under Section 320 of Cr.P.C., or under Section 265-B of Cr.P.C., (for compounding/plea bargaining) and the same may be considered in accordance with law. Hence, this



Crl.O.P.No.25463 of 2023
& Crl.M.P.No.17639 of 2023

Criminal Original Petition is disposed of. Consequently, connected

Miscellaneous Petition is closed.

07.11.2023

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Inspector of Police, City Crime Branch, Coimbatore District.
2. The Judicial Magistrate No.VII, Coimbatore.
3. The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.25463 of 2023
& Crl.M.P.No.17639 of 2023

DR.G.JAYACHANDRAN, J.

bsm

Crl.OP.No.25463 of 2023
& Crl.M.P.No.17639 of 2023

07.11.2023