



CrI.O.P.(MD)No.616 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.616 of 2023

Kamatchi

... Petitioner

Vs.

1.The State through
The Inspector of Police,
District Crime Branch,
Thanjavur District.

2.M/s.Kosamattam Finance Company,
Represented by Mr.Muruganantham,
S/o.Rajendran, Area Manager,
No.839/840, Attumanthai Street,
Maligai, Keelavasal,
Thanjavur District-613001.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected with the case in Crime No.29 of 2022 pending on the file of the first respondent police and quash the same.

For Petitioner : Mr.A.Abdul Kabur



CrI.O.P.(MD)No.616 of 2023

For R1 : Mr.M.Muthumanikkam
Government Advocate (CrI. Side)

For R2 : Mr.S.Malaikani

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the entire records connected with the case in Crime No.29 of 2022 pending on the file of the first respondent police and quash the same.

2.The case of the prosecution is that the petitioner is the Branch Manager of the Kosamattam Finance Company in Thanjavur Branch. When the Area Manager inspected the Branch on 10.12.2021, he found that in a loan account namely GL.Nos.5823 and 5824 dated 20.10.2020 the jewel weighing 130.2 grams, against which Rs.4,34,891/- was given as loan, was missing. When the Area Manager enquired the petitioner, she accepted the misappropriation and the same was reported to the Regional Manager, who in turn informed the same to Head Office. Based on that, on 11.12.2021 and 13.12.2021 appraisers from the Head



Crl.O.P.(MD)No.616 of 2023

Office inspected the Branch and found that there was misappropriation of jewel worth about Rs.26,27,940/- and the petitioner accepted the misappropriation and agreed to repay the entire amount to the Company. On various dates, she paid Rs.7,59,500/-, but she did not pay Rs. 18,68,440/-. Hence, the second respondent preferred the present complaint.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.29 of 2022 dated 13.10.2022 for the offences under Sections 120B, 408, 420 IPC against the petitioner and her husband and that the concerned Inspector of Police has recovered the passport of the petitioner and the same is now under the custody of the first respondent.

4.The case is still under the investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



CrI.O.P.(MD)No.616 of 2023

5.The second respondent Company has given a letter of authorization authorizing its Area Manager Mr.AR.Muruganantham to deal with the complaint against the petitioner and to appear before the Investigating Officer to sign and produce documents in relation to the said case and to deal with the further proceedings of the case.

6.The second respondent has produced the letter of authorization dated 01.06.2022 and in pursuance of the same, the Area Manager of the second respondent Mr.AR.Muruganantham is present before this Court. The learned counsel for the second respondent and the learned Government Advocate(Crl.side) would submit that the petitioner/accused has already paid the entire amount of Rs.26,27,940/- due to the second respondent/defacto complainant and only after receiving the entire amount shown as misappropriation money, the parties have entered into compromise.

7.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second



CrI.O.P.(MD)No.616 of 2023

respondent were also present in person before this Court and they were identified by Mr.Subramani, Head Constable, District Crime Branch, Thanjavur, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

8.In the instant case, it is a money dispute and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 120B, 408, 420 IPC.

9.The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Panjab and another* reported in *(2012)10 SCC 303* and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* reported in *(2017)9 SCC 641* were taken into consideration.

10.In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Crime No.29 of 2022 pending before the



CrI.O.P.(MD)No.616 of 2023

first respondent police, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.29 of 2022 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. The first respondent is directed to return the passport to the petitioner.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.O.P.(MD)No.616 of 2023

WEB COPY

- To
- 1.The Inspector of Police,
District Crime Branch,
Thanjavur District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.616 of 2023

K.MURALI SHANKAR,J.

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CrI.O.P.(MD)No.616 of 2023

08.02.2023