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Crl.O.P.(MD)No.6049 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.6049 of 2023

1.Subramaniyan

2.Subbulakshmi

... Petitioners/Accused Nos.1 & 2

Vs.

1.State rep. by

The Inspector of Police,
Manapparai Police Station,
Trichy District.
In Crime No.1625 of 2020

... 1st Respondent/Complainant

2.Sivakumar

... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the FIR in Cr.No. 1625/2020 on the file Respondent police and quash the same insofar as concern the petitioners are concerned.

For Petitioners : Mr.C.Susikumar

For Respondents : Mr.S.Manikandan for R1
Government Advocate (Crl. Side)
Mr.P.Praveenkumar for R2

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.1625 of 2020 on the file of the 1st respondent police.



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2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.1625 of 2020 for the offences punishable under Sections 406, 420 and 34 of IPC.

3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise.

5.There was a sale agreement between the parties. The defacto complainant lodged a complaint stating that after the above said sale agreement, the accused did not perform the contract and cheated the above said Rs.10,00,000/-. Now the defacto complainant is present before this Court and submitted that he has received a Demand Draft for



a sum of Rs.10,00,000/- from the counsel for the respondent in the Court.

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5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners, considering the fact that it is a civil transaction between the parties and the amount has also been received by the defacto complainant and also in view of the joint compromise memo, dated 29.03.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.1625 of 2020 pending on the file of the 1st respondent police in respect of these petitioners.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.1625 of 2020, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

31.03.2023

Index : Yes/No
Internet : Yes/No
TM



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To

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- 1.The Inspector of Police,
Manapparai Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN. J.

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