



Crl.O.P.(MD) No.6631 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

Crl.O.P.(MD) No.6631 of 2019

and

Crl.M.P(MD)No.4441 of 2019

1. Basheer Khan

2. Thowlath Banu

3. Abdul Rahman

4. Shajahan

5. Fathima Gani

... Petitioners

Vs.

1. State rep. by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.200 of 2018)

2. Shahul Hammed

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of the case in Crime No.200 of 2018 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
for R1

ORDER

This petition has been filed seeking to quash the impugned FIR in Crime No.200 of 2018 on the file of the 1st respondent police.

2.The petitioners said to have committed offence under Section 420 of IPC in Crime No.200 of 2018. Pending the investigation, the petitioner filed this quash petition.

3. During the pendency of this quash petition, the petitioner would submit that the petitioners and the defacto complainant amicably settled the issues between them and a joint memo of compromise was filed,



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which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels. The material contents of the joint compromise memo is as follows:

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6. It is submitted that the Petitioners had now filed this Joint Compromise Memo by adding the legal heirs of the 2nd respondent namely Selvagani, Nagoorgani and Mohamed Gani and they come forward to settle the issue amicably now, since both of them are close relatives, they are prepare to given up their sufferings.

7. It is submitted that the legal heirs of the 2nd Respondent did not have any iota of intention to proceed with the criminal case as against the petitioners. Now at the intervention of family elders they decided not to precipitate the issue further and willing to withdraw the criminal case, since the case is pending before the 1st respondent police, they moved the present quash petition along with the joint compromise memo.

8. Hence, the petitioners and the legal heirs of 2nd Respondent are filing the joint Compromise memo in support of their application seeking permission to quash the offences before this Hon'ble Court. This joint memo may be taken as part and parcel of their application to quash the offences after the permission of this Hon'ble Court

1. அருண்மணி	4. அருண்மணி	1. Mohamed Gani
2. ரகுமணி	5. S. Fathirahani	2. S. Selvagani
3. அ. சி. சிவசுப்பிரமணியன்		3. S. Nagesh

PETITIONERS

LEGAL HEIRS OF 2nd RESPONDENT



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4.To verify the same, this Court asked the parties to appear before this Court. The petitioners and the 2nd respondent appeared before this Court along with their respective counsels. They are 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. Hence, the Compromise Memo is recorded.

5. The defacto complainant preferred the complaint before the respondent police alleging that the petitioners are his brother-in-laws. After the demise of his father-in-law, in the year 2004, the petitioners are obtained the legal heirs certificate without including his wife namely the elder sister of the petitioners and sold the land of the deceased/father-in-law. Therefore, the petitioners cheated the defacto complainant. Now, they have entered compromise and he received the amount. Therefore, they come forward with the quashment of this FIR.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint



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compromise memo, dated 04.08.2023, 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.200 of 2018 pending on the file of the 1st respondent police in respect of this petitioners.

7. The petitioners' case is come under the guidelines issued by the Hon'ble Supreme Court reported in 2019 5 SCC 688 in the following paragraph No.15.1 and hence, this Court is inclined to accept the compromise and quash the proceedings by exercising the power under Section 482 of Cr.P.C:

“15.1.That the power conferred under Section 482of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves”.



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8. In the result, the Criminal Original Petition stands allowed and the entire proceedings in Crime No.200 of 2018, 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. Consequently, connected Criminal Miscellaneous Petition is closed.

22.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sbm

To

1. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

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