



Crl.O.P.(MD)No.11353 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.11353 of 2023

1. Abdul Gafoor
2. Gaabi Gafoor
3. Navarin Gafoor ... Petitioners/ Accused Nos.1 to 3

Vs.

- 1.The Inspector of Police,
District Crime Branch,
Karur District.
(Crime No.15/2019). ... 1st Respondent / Complainant
2. M.Mathan Kumar ... 2nd Respondent/ Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pursuant to the F.I.R in Crime No. 15 of 2019 on the file of the first respondent police and to quash the same.

For Petitioners	: Mr.S.Prabhu Rajadurai for Mr.S.Manoj Kumar
For R1	: Mr. S.Manikandan Government Advocate(Crl.Side)
For R2	: Mr.S.Gokulraj

ORDER

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.15 of 2019, on the file of the first 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.15 of 2019 for the offences punishable under Sections 120B, 294(b), 406, 420 and 506(i) of I.P.C. against the petitioners.

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

4. The second petitioner and the second respondent appeared before this Court along with their counsels and also produced their Aadhar cards. The third petitioner, who is the third accused, appeared through Video Conference from Kuwait. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Joint Compromise Memo is recorded.

5. The third petitioner appeared through Video Conference from Kuwait. Since the first petitioner is being a Cancer Patient and taking



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treatment in Trivandrum Hospital, he also appeared through Video Conference from Trivandrum. There is a business venture between the parties, over which, the above said crime was taken place. The learned counsel for the parties would submit that a sum of Rs.34,00,000/- (Rupees Thirty Four Lakhs only) was deposited before the District Sessions Judge, Karur, in pursuance of the order passed in Crl.M.P.No.188 of 2020, dated 03.03.2020. The accused have no objection for the defacto complainant to get the money withdrawn by the trial Court. For that purpose, the defacto complainant is permitted to withdraw the above said amount and the District Sessions Judge, Karur, is directed to return the amount after complying with due formalities, for which, the accused should make no objection. The entire issue is settled between the parties and no further claim remains.

6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash the F.I.R. in Crime No.23 of 2023, on the file of the first respondent police, in respect of the petitioners alone.



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7. In the result, the Criminal Original Petition stands allowed and the the F.I.R. in Crime No.15 of 2019, on the file of the first respondent police, is hereby quashed in respect of the petitioners alone. The joint compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

22.06.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
Ls

Note: Issue order copy on 23.06.2023



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G.ILANGO VAN, J.,

Ls

To

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

Copy to

The District Sessions Judge, Karur.

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