



Crl.O.P.(MD).No.20188 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD).No.20188 of 2021

and

Crl.M.P.(MD).Nos.11423 and 11425 of 2021

S.Padmanaban

... Petitioner/Sole Accused

Vs.

**1.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
(Crime No.378/2016)**

...1st Respondent/Complainant

2.Chokkalingam

...2nd Respondent/Defacto-complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records pertaining to the case in CC.No.654/2021 on the file of the learned Judicial Magistrate No.VI, Madurai in connection with Crime No.378 of 2016 on the file of the respondent Police and quash the same as illegal as far as the petitioner is concerned.

For Petitioner : Mr.J.Jeyakumaran

**For R-1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor**

For R-2 : Mr.L.Prabakaran



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ORDER

The petitioner, who is the accused in C.C.No.654/2021 facing trial for the offences under Sections 294(b), 406, 420 and 506(1) IPC before the learned Judicial Magistrate No.VI, Madurai, has filed this quash petition.

2. The case of the complainant is that the defacto complainant is cultivating bananas and the petitioner herein is a trader of bananas. On 30.10.2015, the petitioner approached the defacto complainant, fixed the price of Rs.90/- per bunch of bananas and purchased 1535 bunches of bananas and paid an advance amount of Rs.50,000/- and promised to pay the balance amount of Rs.88,150/- within a stipulated period. Thereafter, the petitioner failed to repay the said amount. When the defacto complainant questioned the same, the petitioner opposed and threatened him. Hence, the defacto complainant lodged a complaint before the respondent Police on 12.07.2016 and a case in Crime No.378/2016 was registered against the petitioner. On conclusion of investigation, charge sheet was filed on 09.09.2016, listing the witnesses L.W.1 to L.W.7 and documents.

3. The contention of the petitioner is that it was only a commercial business transaction and the petitioner had paid the initial advance amount and



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later around Rs.50,000/- till 19.12.2015. Thereafter, he could not make the payment as agreed earlier. The learned counsel for the petitioner submitted that the petitioner had sustained loss in this business and hence, he was unable to pay the amount immediately. The commercial business transaction was given a criminal colour and the petitioner was falsely implicated in this case. The learned counsel further submitted that the petitioner paid the balance amount to the satisfaction of the defacto complainant and hence, the issue is resolved between the petitioner and the defacto complainant. A joint memorandum of compromise was entered into between them on 10.12.2022 and the copy of the same is also produced before this Court. Hence, the learned counsel prayed to allow this petition and quash the proceedings in C.C.No.654/2021.

4. The learned counsel for the second respondent/defacto complainant submits that the defacto complainant is aged about 90 years and he admits the compromise entered into between the petitioner and the defacto complainant. The learned counsel submitted that the defacto complainant having fully satisfied with the compromise, there is no dispute between them. He fairly submits that it is only a business transaction between the petitioner and the defacto complainant.



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5. The learned Additional Public Prosecutor appearing for the respondent Police submits that based on the complaint given by the defacto complainant, a case was registered in Crime No.378/2016 and he further submits that the issue had now been resolved between the petitioner and the defacto complainant, which was also verified by the respondent Police. Further, the dispute arises out of a business transaction.

6. In the light of the above submissions and in view of the compromise entered into between the petitioner and the defacto complainant, which is not in dispute, this Court is inclined to quash the further proceedings in C.C.No. 654/2021. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.654/2021 on the file of the learned Judicial Magistrate No.VI, Madurai is quashed. The joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

14.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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