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CrI.O.P.No.17280 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:23.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CrI.O.P.No.17280 of 2024

and

CrI.M.P.Nos.10350 & 10352 of 2024

1.Sundarkumar
2.Priya
3.Sukumaran

.. Petitioners

/versus/

1.State rep.by
The Inspector of Police,
K-11, CMBT Koyambedu Police Station,
Chennai.
(CrimeNo.623 of 2023)

2.Tmt. Meera

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the C.C.No.3426 of 2023 on the file of the learned V Metropolitan Magistrate, Egmore, Chennai and to quash the same.



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For Petitioners :Mr.C.Deivasigamani

For R1 :Mr.K.M.D.Muhilan
Government Advocate(Crl.Side)

ORDER

This petition is filed to quash C.C.No.3426 of 2023 on the file of V Metropolitan Magistrate, Egmore, Chennai, pending against the petitioners for the offence punishable under Section 415 IPC r/w Section 420 of IPC.

2.The learned counsel appearing for the petitioners submitted that it is purely money transaction between the complainant and the petitioners, which has been given criminal colour as if the money was received by the petitioners on promising to get job. The learned counsel also submitted that already portion of the amount received has been repaid to the complainant and he is ready to settle the dispute through Mediation.



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3. This Court is of the firm view that Section 482 of Criminal Procedure Code and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, is not meant for settling the dispute through Mediation, when there is substantial evidence available to prosecute the person for committing cognizable offence. If the person, who has committed crime, wants to settle the dispute, the Code itself provides for compounding of offence and plea bargaining. The accused has to resort to any of the above two options. By invoking the inherent power of this Court conferred under the Code, the petitioners herein intend to bypass the procedure available under the Code. This Court, therefore dismiss the Criminal Original Petition with liberty to the petitioners herein to resort any of the above mode available under the Code and get redressal. Consequently, connected Miscellaneous Petitions are closed.

23.07.2024

Index:yes/no

Speaking order/non speaking order

Neutral Citation:yes/no



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To:

- 1.V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police, K-11, CMBT Koyambedu Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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