



Crl.O.P.(MD)No.16790 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16790 of 2024

R.Ganesamurthi

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No.23 of 2011.

2.R.Kalidass

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the case in C.C.No.132 of 2012 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same as illegal.

For Petitioner : Mr.M.Kannan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R2 : Mr.S.Varadharajan



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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.132 of 2012 on the file of the learned Judicial Magistrate Court No.II, Virudhunagar and quash the same as against the petitioner.

2.The case of the prosecution is that the petitioner and the defacto complainant's father are brothers, that they have maintained one joint account in Co-operative Bank, that the petitioner herein, after the demise of the defacto complainant's father, put his signature fraudulently in the cheque and withdrawn the amount and hence, the defacto complainant has lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.23 of 2011 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.132 of 2012 on the file of the Judicial



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Magistrate Court No.II, Virudhunagar, for the offences under Sections 465, 468, 471 and 420 IPC against the petitioner.

4.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.J.Balamurali Krishnan, Sub Inspector of Police, District Crime Branch, Virudhunagar District as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6.In the instant case, it is a money dispute and the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 465, 468, 471 and 420 IPC.



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7.The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** reported in ***(2017)9 SCC 641*** were taken into consideration.

8. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings C.C.No.132 of 2012, on the file of the Judicial Magistrate Court No.II, Virudhunagar, even though, the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.132 of 2012, on the file of the Judicial Magistrate Court No.II, Virudhunagar, is quashed and the joint compromise memo shall form part and parcel of this order.

28.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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- 1.The Judicial Magistrate Court No.II, Virudhunagar
- 2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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