



*Crl.O.P.(MD)No.12793 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.08.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.12793 of 2024

1.Rajeshwari

2.Aravind @ Aravinthan

... Petitioners/A1 & A3

Vs.

1.State rep.by the Inspector of Police,  
District Crime Branch,  
Thiruchirapalli District.  
Crime No.29 of 2022.

2.Mookkan

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR in Crime No.29 of 2022 on the file of the first respondent police and quash the same.

For Petitioners : Mr.N.Ilamurugu

For R1 : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)

For R2 : Mr.R.Mathina Banu



*Crl.O.P.(MD)No.12793 of 2024*

WEB COPY

## **ORDER**

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.29 of 2022 pending on the file of the first respondent.

2. The case of the prosecution is that the defacto complainant wanted to purchase the property from the first accused and based on that, an agreement was arrived on 04.10.2019 between the parties and that thereafter, the petitioners having received the money from the defacto complainant, they have not compiled with the sale agreement and thereby cheated the defacto complainant. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners 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.29 of 2022, dated 21.11.2022 for the offences under Sections 406, 420 and 506(ii) IPC against the petitioners.



*Crl.O.P.(MD)No.12793 of 2024*

WEB COPY

4. The case is still under the investigation. 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, dated 08.07.2024 has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.S.Sivabalakrishnan, SSI, District Crime Branch, Thiruchirapalli 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, the dispute is of personal in nature and now 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 406, 420 and 506(ii) IPC.

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



*Crl.O.P.(MD)No.12793 of 2024*

**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 in Crime No.29 of 2022 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.29 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 08.07.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

**14.08.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
das



WEB COPY



*Crl.O.P.(MD)No.12793 of 2024*

To

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



WEB COPY



*Crl.O.P.(MD)No.12793 of 2024*

**K.MURALI SHANKAR,J.**

das

Order made in  
Crl.O.P.(MD)No.12793 of 2024

Dated: 14.08.2024