



Crl.O.P.(MD)No.13429 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13429 of 2024

1.Haja Maideen
wrongly mentioned in FIR as
Haja Maideen Mohammed Umar

2.Yasmin Banu

... Petitioners/A1 & A2

Vs.

1.State rep by
The Inspector of Police,
Palakkarai Police Station,
Trichy District.
Crime No.6 of 2024.

2.Petricia Seles

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR in Crime No.6 of 2024 on the file of the first respondent police and quash the same so far as petitioners are concerned.

For Petitioners : Mr.K.Sivabalan

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



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For R2

: Mr.E.Balasubramanian

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.6 of 2024 dated 05.01.2024 pending on the file of the first respondent.

2. The case of the prosecution is that the petitioner cheated the defacto complainant by giving false promise that they will arrange to get a job at Kathar, but, they did not do the same, and not returned back the money. 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 learned Judicial Magistrate No.V, Trichy and the same was forwarded to the respondent Police and that the first respondent has registered an FIR in Crime No.6 of 2024, dated 05.01.2024 for the offences under Sections 406, 420, 294(b) and 506(1) IPC against the petitioners.



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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 06.08.2024 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.M.Raj Kumar, Special Sub Inspector, Palakkarai Police Station, Trichy 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, 294(b) and 506(1) 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 Gujraath* 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.6 of 2024 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.6 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 06.08.2024 shall form part and parcel of this order.

27.08.2024

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



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To

- 1.The Inspector of Police,
Palakkarai Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.13429 of 2024

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