



CrI.O.P.(MD)No.13821 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.13821 of 2024

1.R.Nagarajan

2.Tamil Selvi

: Petitioners/Accused 1 & 4

Vs.

1.The Inspector of Police,
District Crime Branch,
Trichy. Crime No.34 of 2024.

2.Mapilai Meeran

Respondent/Defacto
complainant

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records relating to the registration of the FIR in Crime No.34 of 2024, dated 08.05.2024 on the file of the first respondent police and quash the same.

For Petitioner : Mr.N.Sivaprakash

For Respondents : Mr.P.Kottai Chamy,
Government Advocate (Criminal Side),
for R1.

: Mr.J.Pooventhierarajan, for R2.



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the registration of the FIR in Crime No.34 of 2024, dated 08.05.2024 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that second respondent is the Director of Arise Steels Private Limited and they have supplied the goods to the tune of Rs.37,70,69,346/- on various dates to M/s.Ran India Steels Private Limited/petitioners; but they have paid only a sum of Rs.32,54,30,076/- and that when the balance amount was demanded by the defacto complainant, the petitioners abused the defacto complainant and threatened them with dire consequences. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel for the second respondent has produced the resolution passed by the Board of Directors authorizing of the defacto complainant to settle the matter and also produced the letter dated 10.07.2024, wherein the defacto



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complainant was authorised to represent on behalf of the company for compromising the matter. The defacto complainant has also filed an affidavit stating that the entire sum under the above Crime No.34 of 2024 has been settled by all the accused and he has no objection for allowing the present Criminal Original Petition.

4. The defacto complainant/2nd respondent has also filed an affidavit stating that the other accused persons are not willing to joint in the compromise and hence, they are not in a position to add them in the compromise.

5.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.34 of 2024 dated 08.05.2024 for the offences under Sections 420, 406 and 506(1) IPC against the petitioners and other accused persons. He would further submit that LOC is pending against the petitioners.

6. 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.



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7. A Joint Memo of Compromise dated 29.07.2024 has been filed before this Court which have been signed by the petitioners/A1 and A4 and the second respondent and also by their respective counsel. The petitioners/A1 and A4 and the second respondent were also present in person before this Court and they were identified by Mr.S.Sivabalakrishnan, Special Sub Inspector, DCB, 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.

8. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 420, 406 and 506(1) IPC.

9. 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.



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10. 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.34 of 2024 pending before the first respondent police, even though, the offences involved are not compoundable in nature.

11. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.34 of 2024 on the file of the first respondent police, is quashed in respect of the petitioners/A1 and A4 and the terms of joint compromise memo dated 29.07.2024 shall form part and parcel of this order. Since FIR is quashed today, the concerned Superintendent of Police is directed to take necessary action to withdraw the LOC issued against the petitioners.

29.08.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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K.MURALI SHANKAR,J.

das

To

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

Order made in
Crl.O.P.(MD)No.13821 of 2024

Dated: 29.08.2024