



Crl.O.P.(MD)No.14770 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.14770 of 2024

1.B.Mytheen

2.Beer Mohammad @ Broker

... Petitioners

Vs.

1.State of Tamilnadu represented by
The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No.216 of 2022)

2.Najeem

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records of the impugned FIR in Crime No.216 of 2022 on the file of the first respondent police dated 20.07.2022 and quash the same as illegal.

For Petitioners : Mr.K.Prabhu

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

For R2 : Mr.S.Senthil Sankaranathakumar



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.216 of 2022 dated 20.07.2022 pending on the file of the first respondent.

2. The case of the prosecution is that the first petitioner has joined as a cashier in the second respondent's sweets shop and on 24.09.2020, the second respondent came to know that the first petitioner has misappropriated some money and the second respondent went to the petitioners' house and asked about the same, for which, the petitioner abused the second respondent in filthy language and threatened him with dire consequences.

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.216 of 2022 dated 20.07.2022 for the offences under Sections 403, 408, 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 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.C.Mahalingam, Sub Inspector, Vasudevanallur Police Station, Tenkasi 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 403, 408, 294(b) and 506(1) IPC.

7. The legal position expressed by the Hon'ble Apex Court in the



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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 in Crime No.216 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.216 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

15.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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To
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- 1.The Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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