



Crl.O.P.(MD)No.16450 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16450 of 2024

1.R.Balakrishnan

2.Durgadevi

3.Mahalakshmi

4.Marichamy @ Periyamarichamy : Petitioners/A1 to A4

Vs.

1.State of Tamil Nadu rep.by
The Inspector of Police,
Periyakulam Police Station,
Theni District.
Crime No.343 of 2023.

2.Mahalakshmi : Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the FIR in Crime No.343 of 2023 on the file of the first respondent police and quash the same.

For Petitioners : Mr.B.Jameelarasu,

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



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: Mr.S.Paul Muruges, for R2.

ORDER

The Criminal Original Petition has been filed, invoking Section 528 of B.N.S.S., seeking orders, to call for the records pertaining to the FIR in Crime No.343 of 2023 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that the petitioners cheated the defacto complainant by giving false promise that they will arrange to get a Government job, 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 first respondent and on that basis, FIR came to be registered in Crime No.343 of 2023, dated 20.11.2023 for the offences under Sections 406, 420, 294(b) and 506(i) of 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.G.Saravanan, SSI, Periyakularm Police Station, Theni 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(i) of 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



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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.343 of 2023 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.343 of 2023 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.

23.10.2024

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



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To

- 1.The Inspector of Police,
Periyakulam Police Station,
Theni 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
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