



Crl.O.P.(MD)No.15994 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15994 of 2024

and

Crl.M.P.(MD)No.10076 of 2024

B.Murugan

... Petitioner

Vs.

1.State of Tamilnadu through
The Inspector of Police,
Palamedu Police Station,
Madurai.
(Crime No.192 of 2024)

2.P.ArulJothi

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S.,
to call for the records pertaining to the impugned FIR in Crime No.192
of 2024 on the file of the first respondent police and quash the same.

For Petitioner : Mr.S.Ramsundarvijayraj

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

For R2 : Mr.T.Dinesh



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ORDER

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The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the FIR in Crime No.192 of 2024 dated 27.08.2024 pending on the file of the first respondent.

2. The case of the prosecution is that the petitioner has received Rs.3,20,000/- from the second respondent with regard to getting a job for the second respondent's son, that since the petitioner has not arranged any job, the second respondent asked the petitioner to return the amount, that on 02.11.2022, the petitioner has returned only Rs.1,45,000/- and that when the second respondent asked the petitioner to return the balance amount, the petitioner abused the second respondent in filthy language and attacked him and also caused criminal intimidation. Hence, the second respondent lodged a complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner 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.192 of 2024 dated



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27.08.2024 for the offences under Sections 316(2), 318(4), 296(b), 115(2) and 351(2) BNS against the petitioner.

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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 26.09.2024 has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by Mr.V.Bose, Special Sub Inspector, Palamedu Police Station, 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, it is a money transaction dispute 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 316(2), 318(4), 296(b), 115(2) and 351(2) BNS.



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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 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.192 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.192 of 2024 on the file of the first respondent police, is quashed and the terms of joint compromise memo dated 26.09.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

17.10.2024

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



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To

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



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.15994 of 2024
and
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Dated: 17.10.2024