



Crl.O.P.(MD)No.16070 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16070 of 2024

and

Crl.M.P.(MD)Nos.10126 & 10127 of 2024

1.S.P.S.Muthuramalingam

2.Premalatha

... Petitioners

Vs.

1.The Inspector of Police,
District Crime Branch, Madurai.
Crime No.01 of 2011.

2.R.P.Radha Krishnan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the proceedings in C.C.No.80 of 2018 on the file of the Judicial Magistrate No.I, Madurai and quash the same as far as the petitioners/Accused Nos.1 and 2.

For Petitioners : Mr.G.Mariappan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

For R2 : Mr.S.Veerapandi Selvaraj



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ORDER

This Criminal Original Petition has been filed seeking orders to call for the records pertaining to the proceedings in C.C.No.80 of 2018 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as against the petitioners.

2.The case of the prosecution is that the defacto complainant was running a firm, namely Permasivam & Sons, which was carrying out gas supply business at Madurai, Tuticorin and Chennai, that the first petitioner was entrusted with banking operations of the firm and there was a dispute between the first petitioner and the defacto complainant with regard to the settlement of salary and that the petitioners had misused the cheque and hence, the defacto complainant lodged a complaint.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant has lodged a complaint before the first



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respondent and on that basis, FIR came to be registered in Crime No.01 of 2011 and after investigation and filing of the final report, the same was taken cognizance in C.C.No.80 of 2018 on the file of the Judicial Magistrate No.I, Madurai, for the offences under Sections 408, 406 r/w 34 IPC against the petitioners.

4.The learned counsel appearing for the second respondent would submit that the defacto complainant in this case died and the second respondent herein is the son of the defacto complainant.

5.The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

6.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsels. The petitioner and the second respondent are present before this Court and and they were identified by Mr.M.Maruthu Pandi, District Crime Branch, Madurai.as well as by the learned counsels appearing for the parties. This Court also enquired both



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the parties and was satisfied that the parties have come to an amicable settlement between themselves.

7.In the instant case, it is a business dispute and 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 408, 406 r/w 34 IPC.

8.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.

9.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 C.C.No.80 of 2018, on the file of the Judicial Magistrate No.I, Madurai, even though, the offences involved are not compoundable in nature.



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10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.80 of 2018, on the file of the Judicial Magistrate No.I, Madurai, is quashed and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

21.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I, Madurai
- 2.The Inspector of Police,
District Crime Branch, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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