



Crl.O.P.(MD)No.17035 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.17035 of 2024

1.M. Lelin @ Lenin
2. Prakasi
3. Fathima Lelin @ Fathima Lenin ... Petitioners

Vs.

1. The Sub Inspector of Police
Kottar Police Station
Kottar, Kanyakumari District

2. Alex ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the First Information Report in Crime No.171 of 2024 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.N.Pragalathan
For R1	: Mr.K.Sanjai Gandhi Government Advocate(Crl.Side) \
For R2	: Mr.K. Muthurakkan



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.171 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant/second respondent is working as Assistant Legal Manager in HDB Financial Service Ltd., Nagercoil. The petitioners herein borrowed money from the HDB Financial Service Ltd., after mortgaging the residential property. Hence, the second respondent filed a petition before the learned Chief Judicial Magistrate, Nagercoil to take the physical possession of the property. As per the order dated 10-01-2024 passed in Crl.M.P.No.135 of 2024 on the file of the Chief Judicial Magistrate Court, Nagercoil, the physical possession of the house was taken on 27.03.2024. But on the same day 27.03.2024 the petitioners herein entered into the house. When the second respondent contacted the petitioners, it was informed that they are going to settle the entire amount. Believing the same on 11.05.2024 at about 11.00 a.m., when the



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second respondent went to the house to get the money, the petitioners herein abused him and threatened him with dire consequences. Hence this present case.

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 Police and on that basis, F.I.R. came to be registered in Crime No.171 of 2024, for the offences under Sections 448, 294(b) and 506(ii) of IPC against the petitioners.

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 30.09.2024, has been filed before this Court, which has 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



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and they were identified by Mr.Jeyakumar, SSI of Police, Kottar Police Station, Kaniyakumari 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 448, 294(b) and 506(ii) of IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** 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.171 of 2024, pending before the first



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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.171 of 2024 , on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 30.09.2024, shall form part and parcel of this order.

12.11.2024

NCC : Yes / No
Index : Yes / No
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To

1. The Sub Inspector of Police
Kottar Police Station
Kottar, Kanyakumari District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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