



Crl.O.P.(MD)No.19163 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19163 of 2024

and

Crl.M.P.(MD)No.11823 of 2024

1.R.Surya Pandi @ Surya

2.Ravi @ Ravikumar

... Petitioners

Vs.

1.State of Tamil Nadu,
The Inspector of Police,
District Crime Branch,
Superintendent of Police Office Campus,
Ramanathapuram.
(Cr.No.30/2021)

2.Chandran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., @ 528 of BNSS, 2023, to call for the records pertaining to the impugned FIR made in Crime No.30 of 2021 on the file of the 1st respondent and quash the same as illegal.

For Petitioners : Mr.VB.Sundhareshwar

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (Crl., Side)

For R2 : M/s.R.Malathi



Crl.O.P.(MD)No.19163 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.30 of 2021 dated 31.08.2021 for the alleged offences under Sections 406 & 420 IPC on the file of the 1st respondent police and quash the same.

2.The case of the prosecution is that the son of the defacto complainant / 2nd respondent was working at Malaysia and he had also written the examination for the post of Conservator of Forest. While being so, the 1st petitioner approached the defacto complainant; introduced himself as if he is the grandson of the Minister, namely, Dindigul Seenivasan and gave assurance that he will arrange job for the said post. Therefore, the defacto complainant had given a sum of Rs.1,60,000/- on 06.11.2018 and Rs.1,00,000/- on 28.01.2019. However, after receiving the amount, they failed to arrange the job. Hence, an FIR has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the 2nd respondent lodged a complaint before the 1st respondent and an FIR has been registered in Crime No.30 of 2021, for the alleged offences under Sections 406 & 420 IPC.



Crl.O.P.(MD)No.19163 of 2024

WEB COPY

4.By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves for the reason that the issue between themselves has been settled out of Court. Therefore, the 2nd respondent is agreeing to withdraw the complaint and is not willing to pursue the case.

5.A Joint Memo of Compromise is filed before this Court signed by the petitioners and the 2nd respondent and their respective counsels. The petitioners and the 2nd respondent are present before this Court, identified by Ms.P.Mani Mala, Special Sub Inspector of Police, (Contact: 94981 88680) District Crime Branch, Ramanathapuram District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6.When the parties have compromised the matter, the High Court has power to quash the complaint for the offence under Sections 406 & 420 IPC.



Crl.O.P.(MD)No.19163 of 2024

WEB COPY

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*** was 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 FIR in Crime No.30 of 2021 dated 31.08.2021 as against the petitioners pending before the respondent police, even though the offences involved are not compoundable in nature.

9.Accordingly, this Criminal Original Petition is allowed and the FIR in Crime No.30 of 2021 dated 31.08.2021 on the file of the respondent police, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

04.12.2024

NCC : Yes / No
Index : Yes / No

Yuva



Crl.O.P.(MD)No.19163 of 2024

WEB COPY

To

- 1.The Inspector of Police,
District Crime Branch,
Superintendent of Police Office Campus,
Ramanathapuram.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19163 of 2024

M.NIRMAL KUMAR, J.

Yuva

Crl.O.P.(MD)No.19163 of 2024

Dated: 04.12.2024