



Crl.O.P.(MD)No.19084 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19084 of 2024

Dhanasekaran

... Petitioner

Vs.

State rep. by its:-

1.The Inspector of Police (Crime),
District Crime Branch,
Theni District.
(Crime No.19 of 2024)

2.C.Kannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the F.I.R. in Crime No.19 of 2024, dated 24.07.2024, on the file of the first respondent Police and quash the same.

For Petitioner : Mr.M.Subash Babu
Senior Counsel
for M/s.Subash Law Office

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



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For R2

: Mr.V.Ramakrishnan

ORDER

The Criminal Original Petition has been filed invoking Section 528 B.N.S.S., 2023, seeking orders to quash the F.I.R. in Crime No.19 of 2024 dated 24.07.2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent/de-facto complainant has been running a trading business under the name and style of AINAJM Sand and Stones in Dubai since 2001. In January 2021, in order to secure a loan for purchasing trucks for his business, the de-facto complainant contacted one Vinoth, who operates a jewelry shop named 'Vasantham' in Theni. At that time, Vinoth introduced Ramesh and Ramasamy to the de-facto complainant. In March 2022, when the de-facto complainant approached Ramesh and Ramasamy, through Vinoth, for a loan, they introduced him to the petitioner, who resides in Mannarkudi and runs CD Monetary Advisory (S) Private Limited in Kumbakonam.



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2.1. Subsequently, the de-facto complainant requested the petitioner to arrange a loan of Rs.100 Crores for purchasing 35 trucks. The petitioner informed him that he would need to deposit 1% as an advance to the Bank to process the loan. The de-facto complainant asked for time to arrange the money and went to Dubai. Afterwards, the petitioner visited the de-facto complainant's company in Dubai.

2.2. On 20.04.2022, the petitioner received a cheque and documents from the de-facto complainant and later sent a letter stating that the de-facto complainant would need to pay a sum of Rs.79,27,73,342/- as a deposit within 15 days. On 09.05.2022, the de-facto complainant signed the Final Terms Sheet and Mortgage Deed, which had been prepared by the petitioner.

2.3. On 20.05.2022, the petitioner received Rs. 45,00,000/- in cash from the de-facto complainant at his house, in the presence of the de-facto complainant's wife and relatives. On 25.05.2022, the de-facto complainant visited the petitioner's house and gave Rs. 44,00,000/-, for which the petitioner issued an ICICI Bank cheque. However, despite



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receiving the funds, the petitioner did not arrange the loan for the de-facto complainant.

2.4. The de-facto complainant then approached Vinoth, Ramesh, and Ramasamy, asking them to recover the money from the petitioner. They collected Rs.34,00,000/- from the petitioner in three installments and returned it to the de-facto complainant. However, the petitioner delayed repayment of the remaining amount. When the de-facto complainant asked for the balance, the petitioner asked him to deposit his cheque for collection.

2.5. When the cheque was deposited through the bank, it was returned on 04.08.2022 due to "insufficient funds." Subsequently, the petitioner issued another cheque for Rs.10,00,000/-, but this cheque was also returned. When the de-facto complainant demanded repayment, the petitioner abused him in filthy language and also threatened him with dire consequences. Hence, the second respondent / de-facto complainant lodged a complaint.



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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 Police and on that basis, F.I.R. came to be registered in Crime No.19 of 2024, dated 24.07.2024 for the offences under Sections 417, 420, 120-B, 294(b) and 506(i) I.P.C. against the petitioner.

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 29.10.2024, has been filed before this Court, which has 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.M.Chandran, Special Sub Inspector of Police, District Crime Branch, Theni District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and



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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 417, 420, 120-B, 294(b) and 506(i) I.P.C.

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.19 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.19 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 29.10.2024, shall form part and parcel of this order.

06.11.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Inspector of Police (Crime),
District Crime Branch,
Theni 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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Order made in
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Dated: 06.11.2024