



Crl.O.P.(MD)No.19912 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19912 of 2024

1. Venkatesan
2. Seeniyammal
3. Parthasarathy

... Petitioners

Vs.

1. The Inspector of Police
Kandamanoor Police Station,
Kandamanoor,
Theni District.

2. N.Vedavalli

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the the case in Crime No.108 of 2019 on the file of the first respondent police and quash the same.

For Petitioners : Mr.C.Jeganathan

For R-1 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R-2 : Mr.Preethivee Raj



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ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.108 of 2019 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant is having an agricultural lands and also cows. The said lands and cows were maintained by the petitioners herein. This being so the second petitioner herein had purchased cows through bank loan from Indian Bank, Kadamalaikundu, for which the defacto complainant had given security. The defacto complainant had also borrowed a loan to the tune of Rs.2,00,000/- and the same was given to the petitioners. However, the petitioners did not maintain the agricultural lands in a proper manner and also sold the cows without the knowledge of the defacto complainant. The petitioner had also misappropriated a sum of Rs.4,99,720/-. 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



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respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.108 of 2019, dated 22.05.2019 for the offences under Sections 406 and 420 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 12.09.2024, 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 and they were identified by M/s.M.Pandiyammal, Sub Inspector of Police, Kandamanoor Police Station, Theni 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.



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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 406 and 420 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.108 of 2019, 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.108 of 2019, on the file of the first respondent Police, is quashed and the terms of joint compromise



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memo dated 12.09.2024, shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
jbr

To

- 1.The Inspector of Police
Kandamanoor Police Station,
Kandamanoor,
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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