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CrI.O.P.(MD)No.19894 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.19894 of 2024

and

CrI.M.P.(MD)No.12262 of 2024

Mohammed Faizul

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep by The Inspector of Police,
CCD-III, Theni, Theni District.
(In Crime No.2 of 2023)

2.Arul Arokia Sebastin

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records pertaining to the
impugned First Information Report in Crime No.2 of 2023 dated
19.01.2023 on the file of the first respondent police station and quash the
same as illegal so far as the petitioner is concerned.

For Petitioner	: Mr.SMA.Jinnah
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R2	: Ms.K.Veni

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.2 of 2023 on the file of the first
respondent Police.



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2. The case of the prosecution is that the petitioner acting as Vinothini and Geetha had cheated the second respondent, as if the petitioner is doing export business and made the second respondent to invest a huge amount in that business for better profit. By believing the words of the petitioner, the second respondent invested a sum of Rs.7,17,900/-. Thereafter, on coming to know that the said Vinothini and Geetha are none other than the petitioner, the second respondent lodged a complaint before the respondent police.

3. 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.2 of 2023, dated 19.01.2023 for the offences under Sections 417, 420 IPC r/w Section 66 (d) of the Information Technology Act, 2008.

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 22.11.2024, 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.P.Krishnan, SSI of Police, Theni Cyber Crime Police Station, Theni District as well as by the learned counsel 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 petitioner is the only accused. The petitioner by using some other names, had cheated the petitioner and now they compromised the matter amicably. The High Court has power to quash the complaint even if the offences are non compoundable in nature, considering the facts and circumstances of the case.

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.2 of 2023, 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.2 of 2023, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 22.11.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

28.11.2024

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
CCD-III, Theni, 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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