



*Crl.O.P.(MD)No.21195 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM

**THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR**

Crl.O.P.(MD)No.21195 of 2024

and

Crl.M.P.(MD)No.13150 of 2024

1.Saravanan  
2.Sanjay  
3.Mohammed Sithik  
4.Kannan

... Petitioners

Vs.

1.State, Rep. by,  
The Inspector of Police,  
Town West Police Station,  
Thanjavur.  
(Crime No.303 of 2024)

2.Santhoshkumar

... Respondents

**PRAYER :** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records of the case in Crime No.303 of 2024, dated 05.04.2024, on the file of the first respondent Police and quash the same as far as the petitioners are concerned.

For Petitioners : Ms.D.Saranya



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

For R2 : Mr.S.T.Sasidharan Tamilkani

### **ORDER**

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the F.I.R. in Crime No.303 of 2024, pending on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent / de-facto complainant borrowed a loan of Rs.1,10,000/- from the 1<sup>st</sup> accused on 31.09.2023, Rs.1,50,000/- from the 2<sup>nd</sup> accused on 11.10.2023, and Rs.1,00,000/- from the 1<sup>st</sup> accused again on 12.10.2023. In total, the de-facto complainant borrowed Rs.3,60,000/- from the accused. They charged an interest of Rs.3,600/- per day on the borrowed amount. From 12.10.2023 to 15.11.2023, the de-facto complainant paid the interest without default and upto 29.02.2024, the de-facto complainant had paid a total interest amount of Rs.4,14,000/-. The entire loan amount was settled by the de-facto complainant. However, after the settlement, the petitioners, along with the other accused persons threatened the de-facto



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complainant, demanding an additional interest payment of Rs.90,000/-.

On 03.04.2024, the petitioners, along with other accused persons, came to the de-facto complainant's house, forcibly took him to the 1<sup>st</sup> accused's house, and attacked him with weapons and abused him in filthy language and also threatened him with dire consequences. Hence, the de-facto complainant lodged a complaint with the respondent Police, which led to the registration of a case in Crime No.303 of 2024 for offences under Sections 294(b), 342, 324, 365, 387, and 506(ii) of the Indian Penal Code, and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that 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.303 of 2024, for the offences under Sections 294(b), 342, 324, 365, 387, and 506(ii) of the Indian Penal Code, and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.



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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 11.12.2024, 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 Mr.M.Abdul Rahim, Special Sub-Inspector of Police, Town West Police Station, Thanjavur, 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 parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 294(b), 342, 324, 365, 387, and 506(ii) of the Indian Penal Code, and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.



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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.303 of 2024, 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.303 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

**18.12.2024**

NCC : Yes / No  
Index : Yes / No  
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WEB COPY To

- 1.The Inspector of Police,  
Town West Police Station,  
Thanjavur.
- 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  
Crl.O.P.(MD)No.21195 of 2024

Dated: 18.12.2024