



WEB COPY

CrI.O.P.(MD)No.21487 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.21487 of 2024

Jeyaprakash Narayanan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
By the Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.

2.Eakkimuthu @ Ramachandran

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records in respect of Crime
No.560 of 2024 on the file of the first respondent and quash the same
insofar as the petitioner is concerned.

For Petitioner	: Mr.D.Venkatesh
For R1	: Mr.K.Sanjai Gandhi Government Advocate (CrI.Side)
For R2	: Mr.T.Lenin Kumar

ORDER

The Criminal Original Petition has been filed to quash the First
Information Report in Crime No.560 of 2024 on the file of the first
respondent Police.



WEB COPY

2. The case of the prosecution is that the second respondent and his father borrowed a sum of Rs.1,05,000/- and the second respondent was paying the monthly interest regularly. Due some financial crisis, the second respondent was not able to pay the monthly interest for some time. Hence, the petitioner came to the house of the second respondent and abused the second respondent and his family members with filthy language and threatened them with dire consequences.

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.560 of 2024, dated 03.11.2024 for the offences under Sections 296(b) and 351 (2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

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 04.11.2024, 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 Ms.V.Selvarani, WSSI of Police, Suthamalli Police Station as well as by the learned counsel appearing for the parties. This Court also enquired both the parties and is 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.560 of 2024, pending before the first respondent Police, even though, the offences involved are not compoundable in nature.



WEB COPY

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.560 of 2024, on the file of the first respondent Police, is quashed and the terms of joint compromise memo dated 04.11.2024, shall form part and parcel of this order.

09.12.2024

Index : Yes/No

Internet : Yes/No

ta

To

- 1.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.21487 of 2024

M.NIRMAL KUMAR,J.

ta

Crl.O.P(MD)No.21487 of 2024

09.12.2024