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Crl.O.P.No.13223 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.13223 of 2025

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... Petitioner

Vs.

1.State through
The Inspector of Police,
Variety Hall road Police Station,
Coimbatore City
(crime No.1122 of 2017)
2.M/s.Kosamattam Finance Company,
Represented by Lakshmanan,
The Area Manager,
Having office at Oppanakara Street,
Coimbatore

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the entire records connected with the case in CC.No.1304 of 2024 pending on the file of the learned Judicial Magistrate No.V, Coimbatore and quash the same.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr.A.Gopinath,
Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in CC.No.1304 of 2024 pending on the file of the learned Judicial Magistrate No.V, Coimbatore, thereby taken cognizance for the offences under Sections 408 and 420 of IPC.

2. Pending this petition, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3. A Joint Compromise Memo has been filed before this Court, which has been signed by the petitioner and the defacto complainant and also by their respective counsel. All the parties are present and identified by their respective counsel and the Police. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. 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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4. Under such circumstances, no useful purpose will be served in keeping the proceeding pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 528 of BNSS, 2023, quashes the proceeding in CC.No.1304 of 2024 pending trial on the file of the learned Judicial Magistrate No.V, Coimbatore.

5. In view of the above, the proceedings in CC.No.1304 of 2024 pending on the file of the learned Judicial Magistrate No.V, Coimbatore, is hereby quashed in respect of the petitioner. The terms of the aforesaid Joint Compromise Memo shall form part and parcel of this Order. The petitioner shall pay a sum of Rs.5,000/-, (Rupees Five Thousand only) as costs, to the Chief Justice Relief Fund, Madras High Court, Tamil Nadu, forthwith and file a photocopy of the receipt along with a memo reporting compliance in the Registry.



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6. Accordingly, the Criminal Original Petition stands allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
- 1.The learned Judicial Magistrate No.V, Coimbatore
 - 2.The Inspector of Police,
Variety Hall road Police Station,
Coimbatore City
 - 3.Lakshmanan,
The Area Manager,
M/s.Kosamattam Finance Company,
Having office at Oppanakara Street,
Coimbatore
 4. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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