



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.563 of 2025

1.Singaraj

2.Arumugam @ Arumugasamy

... Petitioners

-Vs-

1.State of Tamil Nadu through its,
Inspector of Police,
City Crime Branch,
Madurai City.
(In Crime No.24 of 2024)

2.Rajendiran

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya Nagarik Shuraksha Sanhita, to call for the entire records in relating to the Crime No.24 of 2024 on the file of the first respondent police under Section offences u/s 323, 380, 427, 451, 406, 420, 120(B) and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Exorbitant Interest Act and quash the same.

For Petitioners	: Mr.S.MP.Amalan
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2	: Mr.P.Muthupandi



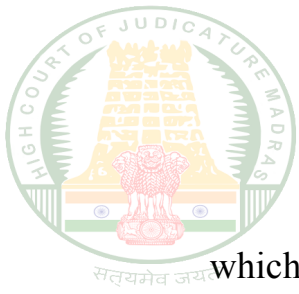
ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No. 24 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the defacto complainant borrowed the loan for a sum of Rs.25 lakhs by mortgaging his house property. The petitioners using the same, had cheated the defacto complaint and sold the house property to some other person and also attacked the defacto complainant with deadly weapons.

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. 24 of 2024 for the offences under Sections 323, 380, 427, 451, 406, 420, 120(B) and 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Exorbitant Interest Act.

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.



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5. A Joint Memo of Compromise 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.K.Pramila, WSSI of Police, City Crime Branch, Madurai City 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 parties have compromised the matter amicably and substantial amount for the the property was also handed over the defacto complainant. 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.24 of 2024, 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.24 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.

10.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Inspector of Police,
City Crime Branch,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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