



Crl.O.P.(MD)No.2591 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.2591 of 2024

1.Ravichandran
2.Jothi

... Petitioners

Vs.

1.State rep., by the Inspector of Police,
Central Crime Branch,
Madurai City.
Crime No.109 of 2012

2.T.Mahalingam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.85 of 2013 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same.

For Petitioners	: Mr.P.Surliraja
For R1	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R2	: Mr.A.Anantha Prakash

ORDER

This Criminal Original Petition has been filed seeking orders to call for the records in C.C.No.85 of 2013 on the file of the learned



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Judicial Magistrate No.I, Madurai, and quash the same as illegal, improper and abuse of process of law.

2. The case of the prosecution is that the first petitioner and the second respondent are brothers. The first petitioner and his father were running petrol out. After his father's demise, the first petitioner and the second respondent are running the same. Due to inconvenience, the first petitioner to sell his share in the outlet to the second respondent and the second respondent paid Rs.45,00,000/- to him. Thereafter, suppressing the same, the first petitioner wrote a letter to the Hindustan Petroleum Oil Corporation stating that still he is continues as partner. When the same was questioned by the second respondent, the petitioners abused and threatened him. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the second respondent lodged a complaint before the first respondent and F.I.R. registered in Crime No.109 of 2012, after investigation, final report filed, the same taken cognizance in C.C.No.85 of 2013 on the file of the learned Judicial Magistrate No.I, Madurai, for the offences under Sections 417, 420 and 506(ii) of I.P.C., against the petitioners.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves. Now, the second respondent agreed to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the second respondent and their respective counsels. The petitioners and the second respondent present before this Court, identified by Mr.C.Periyakaruppan, SSI CCB-II, Madurai City, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 417, 420 and 506(ii) of I.P.C.

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.



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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 C.C.No.85 of 2013 against the petitioners pending before the learned Judicial Magistrate No.I, Madurai, even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.85 of 2013 on the file of the learned Judicial Magistrate No.I, Madurai, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No
Index : Yes / No
Rmk

09.01.2025

To

- 1.The Judicial Magistrate No.I, Madurai.
- 2.The Inspector of Police,
Central Crime Branch,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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