



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P(MD)No.15953 of 2024

1.Kannan

2.Anandhi

3.Keshavan

4.Ravi @ Ravichandran

5.Indhirani

... Petitioners

-Vs-

1.The State of Tamil Nadu,
Rep by The Inspector of Police,
DCB, Sivagangai,
Sivagangai District.
(In Crime No.8 of 2024)

2.Raja

3.Varatharajan

... Respondents

Prayer: Criminal Original Petition - filed under Section 528 of Bharatiya
Nagarik Shuraksha Sanhita, to call for the records relating to the First
Information Report in Crime No.8 of 2024 dated 27.05.2024 on the file
of the first respondent police and quash the same as against the
petitioners.

For Petitioners	: Mr.AK.Azagar Sami
For R1	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.Side)
For R2 & R3	: Mr.Srikanth



ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.8 of 2024 on the file of the first respondent Police.

2. The case of the prosecution is that the petitioners are running real estate business and the defacto complainant is running a jewelry shop. The defacto complainant and his friend invested huge amount in the petitioner's company. However, the petitioners neither returned the money nor gave any interest for the said amount. When defacto complainant questioned the same, the petitioners are said to have threatened the second and third respondents herein.

3. The learned counsel appearing for the petitioners 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.8 of 2024 for the offences under Sections 406, 420, 423, 506(i) and 120(b) IPC.

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.

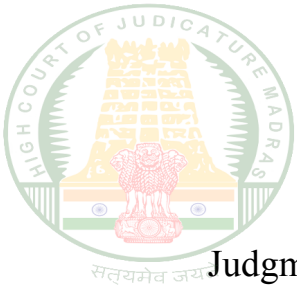


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5. A Joint Memo of Compromise has been filed before this Court, which has been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.D.Ruba, SSI of Police, District Crime Branch, Sivagangai 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 petitioners have settled the entire amount to the second and third respondents. Now the parties have 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.



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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 Crime No.8 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.8 of 2024, on the file of the first respondent Police, is quashed as against the petitioners and the terms of joint compromise memo shall form part and parcel of this order.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

1.The Inspector of Police,
DCB, Sivagangai,
Sivagangai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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