



Crl.O.P.(MD) No.17646 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2025

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.17646 of 2025

and

Crl.M.P.(MD) Nos.14377 & 14378 of 2025

Patchaimal

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.575 of 2024)

2.Patchaimal

3.Ariraman

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to call for records in C.C.No. 389 of 2025 on the file of the learned Judicial Magistrate, Radhapuram and quash the same against the petitioner.

For Petitioner : Mr.P.Suresh

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)



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Crl.O.P.(MD) No.17646 of 2025

For R3

: Mr.R.Kalaiarasan

ORDER

This Criminal Original Petition has been filed seeking to quash the final report in C.C.No.389 of 2025 on the file of the learned Judicial Magistrate, Radhapuram, filed against the petitioner for the offences punishable under Sections 331(4), 305(a) & 248(a) of the Bharatiya Nyaya Sanhita (BNS), 2023

2. The allegation in the final report is that there was a theft of Rs.40,000/- and a gold chain of 2½ sovereigns in the house of the third respondent, i.e., the father of the petitioner; that the FIR was registered on the complaint given by the petitioner; and that, on investigation, it was found that the petitioner had lodged a false complaint and was involved in the offence.

3. The learned counsel for the petitioner would submit that the third respondent/victim is the father of the petitioner; and that the parties have now entered into a compromise and decided to give a quietus to the entire dispute. The parties have filed a joint compromise memo dated 8th October 2025. The scanned copy of the compromise memo reads as follows:



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Crl.O.P.(MD) No.17646 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH**

(Criminal Original Jurisdiction)

Crl.O.P.(MD).No.17646 of 2025
in

C.C No. 389 of 2025

(On the file of Judicial Magistrate Court, Radhapuram)

Patchaimal (M/58),
S/o. Ariraman,
No.8/4, Narayanasami Kovil Street,
Nallammalpuram,
Kumarapuram,
Tirunelveli District

--- Petitioner/Sole Accused

-- Vs --

1) The State of Tamil Nadu
Rep. by,
The Inspector of Police,
Thisayanvilal Police Station,
Tirunelveli District.
(Crime No. 575 of 2024) --- Respondent/Complainant

2) Patchaimal,
S/o. Ariraman,
8/4, Nallammalpuram,
Narayanasamy Kovil Street,
Mahadevankulam Post,
Tirunelveli. --- 2nd Respondent/Defacto Complainant

3) Ariraman,
S/o. Kandasamy,
No.8/3, North Street,
Nallammalpuram,
Kumarapuram,
Radhapuram,
Tirunelveli. --- 3rd Respondent/Victim

ச. பஞ்சவர்ணம்
Petitioner

ச. பஞ்சவர்ணம்
3rd Respondent



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Crl.O.P.(MD) No.17646 of 2025

JOINT COMPROMISE MEMO FILED BY PETITIONER AND 3rd RESPONDENT

1. It is submitted that on the basis of the complaint lodged by the petitioner/2nd respondent, a case has been registered against the petitioner in Crime No.575 of 2024 for the offences under Sections 331(4), 305(a) of BNS, 2023 on the file of the 1st respondent Police. During the investigation, the respondent arrayed the complainant as an accused in this case and altered the offences to Sections 331(4), 305(a), 248(a) of BNS, 2023. After the completion of the investigation, the respondent police filed a charge sheet before the Judicial Magistrate Court, Radhapuram in C.C.No.389 of 2025.

2. The case of the prosecution is that the defacto complainant/petitioner's mother died one year ago, and his father/3rd respondent lives with him in an old house situated in the same compound. Since his younger brother is constructing a new house nearby, his father/3rd respondent locks the old house only during night hours and stays in his brother's house. While this being so, on 11.10.2024, as usual, the 3rd respondent locked the old house and went to his younger brother Mahalingam's house to sleep for the night. The next day, at about 06:30 a.m., when the 3rd respondent came to see the old house, he found it open.

[Handwritten Signature]

Petitioner,

[Handwritten Signature]

3rd Respondent



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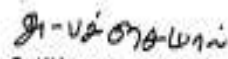


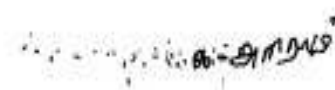
Crl.O.P.(MD) No.17646 of 2025

Immediately, he called the petitioner and informed him that the door of the old house was open. When they went inside, they found that Rs.40,000/- and his mother's thali chain weighing 2½ sovereigns were missing. During the course of the investigation, the respondent police found that the petitioner had stolen the above properties and had falsely lodged a complaint. With these allegations, the charge sheet was filed.

3. The petitioner and the 3rd respondent are son and father. The money and the thali chain belong to the 3rd respondent. In fact, the occurrence is true and, therefore, the petitioner and the 3rd respondent went to the police station to lodge a complaint. Since the 3rd respondent is aged about 85 years, his son, the petitioner, lodged the complaint on his behalf, and a case was registered. Subsequently, the stolen properties were found in their house. Therefore, the petitioner and the 3rd respondent went to the police station to inform the 1st respondent police not to proceed with the investigation, since the missing properties had been found in their house. At that time, the respondent police officials informed the petitioner that he had taken the things and lodged a false complaint and arrested the petitioner. The 3rd respondent went to the Judicial Magistrate at the time of remand and narrated the entire facts, and considering the same, the Learned Judicial Magistrate granted bail and refused to remand the petitioner.

4. It is submitted that now, with the very same cooked-up stories, the respondent police filed the present charge sheet. The 3rd respondent also filed a petition seeking custody of the gold jewel, and the same was allowed.


Petitioner


3rd Respondent



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Crl.O.P.(MD) No.17646 of 2025

Admittedly, no prejudice has been caused to any of the parties. In fact, the petitioner and the 3rd respondent acted with good intention to inform the police about the missing jewels. The petitioner did not have any intention to lodge a false complaint, and except for the police version, there is no other material available to proceed with the case of false charge.

5. As the property owner, the 3rd respondent has expressed no objection to closing the prosecution initiated against the petitioner. In view of the above facts, the 3rd respondent has no objection to quash the charge sheet pending against the petitioner in C.C.No.389 of 2025 on the file of the Judicial Magistrate, Radhapuram. Unless the above criminal case pending against the petitioner is quashed, the petitioner would suffer irreparable loss and severe hardship. If the trial proceedings are allowed to continue in this case, they will not fetch any fruitful results because the victim has agreed to close the case.

6. The nature of offences and can be quashed in the light of judgment rendered by the Supreme Court in State of Madhya Pradesh v. Laxmi Narayan reported in (2019) 5 SCC 688 and (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat) reported in (2017) 9 SCC 641. Under these circumstances, the Charge sheet in C.C.No.389 of 2025 on the file of learned Judicial Magistrate, Radhapuram may be quashed for the welfare of both parties.

Sh. U. S. S. S. S. S.
Petitioner and R₂

- A - S. S. S. S. S.
3rd Respondent



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Crl.O.P.(MD) No.17646 of 2025

It is therefore prayed that this Hon'ble Court may be pleased to accept this joint memo of compromise filed by the petitioner and the 3rd respondent and allow the present quash petition as prayed for and pass suitable orders and thus render justice.

Dated at Madurai on this the 8th day of October, 2025.

Sh. V. S. S. S. S.
Petitioner (and R2)

B. S. S. S. S.
3rd Respondent

P. S. S.
Counsel for the Petitioner

P. S. S.
Counsel for the 3rd Respondent

4. The petitioner, namely, Patchaimal [Aadhaar No.2960 2292 5484] and the third respondent/victim, namely, Ariraman [Aadhaar No. 6788 2374 6416] are present before this Court in person. The parties are identified by Mr.Balakrishnan, Special Sub Inspector of Police, Thisayanvilai Police Station. All the parties confirmed the compromise arrived at between them. The third respondent/victim would submit that he does not wish to pursue the case.

5. In view of the same and considering the nature of the offences and the relationship between the parties, this Court is of the view that no useful purpose would be served by keeping the impugned final report



Crl.O.P.(MD) No.17646 of 2025

pending trial. Accordingly, the impugned final report in C.C.No.389 of 2025 on the file of the learned Judicial Magistrate, Radhapuram, is quashed. The petitioner shall pay a sum of Rs.5,000/- as costs to the Mediation and Conciliation Centre attached to the Madurai Bench of Madras High Court forthwith and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

6. Hence, this Criminal Original Petition stands allowed. Consequently, the connected Miscellaneous Petitions are closed.

15.10.2025

JEN

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

Copy To:

- 1.The Judicial Magistrate,
Radhapuram, Tirunelveli District.
- 2.The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.17646 of 2025

SUNDER MOHAN, J.

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Crl.O.P.(MD) No.17646 of 2025

15.10.2025