



Crl.O.P.(MD) No.22345 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.22345 of 2024

and

Crl.M.P.(MD) No.13920 of 2024

B.Raja

... Petitioner

Vs.

1.State of Tamilnadu Rep. by its
Inspector of Police,
Thilagar Thidal Police Station,
Madurai City, Madurai District.
(Crime No.1811 of 2020)

2.A.S.Arumugam,
S/o.Sivasubramanian,
T.Stanes and Company Limited,
Branch In-charge,
D.No.39/4,
Saradha Shopping Complex,
Simmakkal, Madurai-1.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, 1973 to call for the records pertaining to the impugned FIR in Crime No.1811 of 2020 on the file of the first respondent police and quash the same as illegal.



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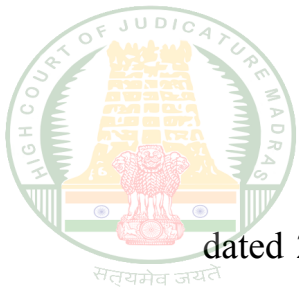
For Petitioner : Mr.S.Balamurugan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)
For R2 : Mr.I.Srihari Surya

ORDER

The Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code, 1973, seeking to quash the F.I.R. in Crime No.1811 of 2020, dated 28.08.2020, pending on the file of the first respondent Police.

2. The de facto complainant (the second respondent) is the Branch In-charge of T.Stanes and Company Limited, and the petitioner is a former employee of the said company. The allegation against the petitioner is that he misappropriated and cheated the company to the tune of Rs.6,07,671/-.

3. When the matter is taken up for hearing today, 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.1811 of 2020,



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dated 28.08.2020, for the offence punishable under Section 420 of I.P.C.

against the petitioner.

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. Now, the company has agreed to compound the case against the petitioner, considering the petitioner's long association with the company and the reconciliation of the accounts. It was agreed that the petitioner would pay Rs.3,25,000/- to the company. Pursuant to this, a Demand Draft dated 24.12.2024 for Rs.3,25,000/-, drawn on the State Bank of India and in the name of the company, has been handed over to the second respondent/de facto complainant before this Court, as the company authorized the second respondent/de facto complainant to receive the said Demand Draft.

5. A Joint Memo of Compromise, dated 06.01.2025, has also 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 the learned counsels appearing for the parties.



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This Court also enquired both the parties and was satisfied that the parties

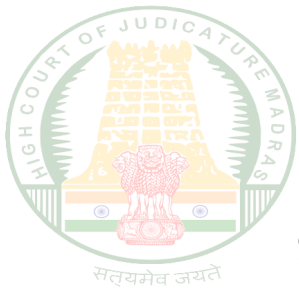
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have come to an amicable settlement between themselves.

6. In the instant case, the dispute is of personal in nature and now the parties had compromised. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Section 420 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.

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.1811 of 2020, pending before the first respondent Police, even though, the offence involved is 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.1811 of 2020, on the file of the first respondent Police, is quashed and the terms of Joint Compromise Memo dated 06.01.2025, shall form part and parcel of this order. Consequently, connected Miscellaneous Petition is closed.

07.01.2025

Index: Yes/ No
Internet: Yes/ No
Neutral Citation: Yes / No
Speaking Order/ No Speaking Order

JEN

To:

- 1.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City, Madurai 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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