

Jerold Milton vs The Inspector Of Police on 12 November, 2024

Author: M.Nirmal Kumar

Bench: M.Nirmal Kumar

CrI.O.P.(MD)No.16

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.(MD)No.16468 of 2024

Jerold Milton

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Vs.

1. The Inspector of Police
Thillai Nagar Police Station
Trichy District

2.Gopinath

... Respond

PRAYER : Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to the the case in Crime No.231 on the file of the first respondent police and quash the same as ag the petitioner.

For Petitioner : Mr.M.Yesudasan

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

For R2 : Mr.S.Vikraman

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<https://www.mhc.tn.gov.in/judis>

CrI.O.P.(MD)

ORDER

The Criminal Original Petition has been filed to quash the First Information Report in Crime No.231 of 2019 on the file of the first respondent Police.

2. The case of the prosecution is that the second respondent due to business acquaintance with the first petitioner has borrowed various loans via., Chits and hand loans and he has completely paid the entire sum to him periodically. After such repayment the second respondent has requested the security documents entrusted to the petitioner herein, reprimanding to the same, they have demanded exorbitant interest and verbally threatened him. To execute such abuse, the petitioner's had went to the business operation of the second respondent and lock the shop, to collect the keys at their office. On the 24.09.2019, when the second respondent along with his wife and family, went to the office of the petitioner, without any delay the petitioner started assaulting the second respondent in- front of his wife and threatened them with dire consequences. Hence this present case.

[https://www.mhc.tn.gov.in/judis Crl.O.P.\(MD\)No.16468 of 2024](https://www.mhc.tn.gov.in/judis Crl.O.P.(MD)No.16468 of 2024)

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.231 of 2019, for the offences under Sections 147,294(b), 342,323 and 506(i) of IPC 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.

5. A Joint Memo of Compromise, dated 05.07.2023, 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 Mr.P.Venkatesan, SSI of Police, Thillai Nagar Police Station, Trichy District , as well as by the learned counsels 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.
[https://www.mhc.tn.gov.in/judis Crl.O.P.\(MD\)No.16468 of 2024](https://www.mhc.tn.gov.in/judis Crl.O.P.(MD)No.16468 of 2024)

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 Sections 147,294(b), 342,323 and 506(i) of IPC.

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.231 of 2019, 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.231 of 2019, on the file of the <https://www.mhc.tn.gov.in/judis> CrI.O.P.(MD)No.16468 of 2024 first respondent Police, is quashed and the terms of joint compromise memo dated 05.07.2023, shall form part and parcel of this order.

12.11.2024

NCC : Yes / No
Index : Yes / No
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To

1. The Inspector of Police
Thillai Nagar Police Station
Trichy District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

<https://www.mhc.tn.gov.in/judis>

CrI.O.P.(MD)No.16468 of 2024

M.NIRMAL KUMAR, J.

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