

SUPREME COURT OF INDIA

Rajesh @ Rajesh Kannan

Vs.

A.K. Murthy

CrI.A.Nos.624-625 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

02.04.2009

ORDER

Leave granted.

Heard learned counsel for the parties.

1. The appellant lodged complaint dated 6.12.2004 against respondent No.1 alleging commission of offence by the latter under various Sections of the *Indian Penal Code including Sections 419, 468 and 420 read with Section 120(B) of I.P.C.*
2. After about three months, he filed Writ Petition No.3620 of 2005 before the Madras High Court for issue of a direction to the police to register the case. The same was allowed by the High Court and a direction was issued for registration of case on the basis of the appellant's complaint. Thereafter, by an order dated 16.4.2007, XI Metropolitan Magistrate, Saidapet, Chennai issued summons to respondent Nos.1 to 4. Respondent No.1 challenged that order in CRL. O.P. No. 20556 of 2007 and prayed that the proceedings in C.C. No. 3396 of 2007 be quashed. By the Impugned order, the High Court admitted the petition filed by respondent No.1 and directed the parties to appear before the Tamil Nadu Mediation and Conciliation Centre by observing that the dispute may be amicably settled through mediation.
3. Undisputedly, the offence under Section 468 I.P.C. is not compoundable. This being the position, the High Court was not justified in referring the matter to the Tamil Nadu Mediation and Conciliation Centre.
4. Accordingly, the appeals are allowed, impugned order is set aside and the matter is remitted to the High Court to dispose of the petition under Section 482 of the *Code of Criminal Procedure, 1973*, in accordance with law.