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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23498 of 2021

Kumaresan

... Petitioner

Versus

1.The Inspector of Police,  
Nemili Police Station,  
Ranipet District.  
(Crime No.128/2020).

2.Ejas Ahmed

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records in Crime No.128 of 2020 pending investigation on the file of the 1<sup>st</sup> respondent police and to quash the same.

For Petitioner : Mr.V.Arul

For R1 : Mr.E.Raj Thilak  
Additional Public Prosecutor

O R D E R

This petition has been filed to call for records in Crime No.128 of 2020 pending investigation on the file of the 1<sup>st</sup> respondent police and to quash the same.

2. The case of the prosecution as per the 2<sup>nd</sup> respondent is that he is the District Secretary of Tamil Nadu Muslim Munnatra Kazhagam and Maidhaneya Makkal Katchi and when he came across the petitioner's Facebook account he saw a video where the petitioner stated that Covid-19 has been spreading by the Muslim terrorist who attended the Tablighi Jamaat religious congregation. This video creates various religious tension between different religions and the defacto complainant's village people started threatening the Muslim people. Hence, the de-facto complainant filed a complaint against the petitioner and FIR was registered in Crime No.128 of 2020 for the offence under Section 153(A)(1)(a), 504, 505(1)(b), 505(2), 294(b), 506(i) IPC.



3. The learned counsel for the petitioner submitted that the petitioner is a law abiding person and he has not committed any offence as alleged in the complaint. The petitioner and the de-facto complainant have amicably settled the issue and both have entered compromise. Hence, the petitioner has filed this petition to quash the complaint in Cr.No.128 of 2020.

4. The case is pending investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. The Joint Memo of Compromise has been filed by the 2<sup>nd</sup> respondent/de-facto complainant and the petitioner before this Court. The 2<sup>nd</sup> respondent and petitioner present through Video conferencing. In the Joint Memo of Compromise, it has been stated that the petitioner and the second respondent have entered into a compromise and amicably settled their issues in Cr. No.128 of 2020. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in 2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Crl 10, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the case in Cr. No.128 of 2020, pending on the file of the first respondent police.

7. This Criminal Original Petition stands allowed and as a sequel, the proceedings in Cr. No.128 of 2020 pending on the file of the first respondent Police, is quashed and the terms of Joint Memo of Compromise filed by the petitioner and the defacto complainant shall form part and parcel of this order.

\* Herein enclosed the Xerox copy of the Joint Memo of Compromise.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1.The Inspector of Police,  
Nemili Police Station,  
Ranipet District.  
(Crime No.128/2020).

2.The Public Prosecutor,  
High Court, Madras.

+lcc to Mr.V.Arul, Advocate SR. No.4390

CRL.O.P.No.23498 of 2021

PL (CO)  
PR (17/02/2022)