



Crl.O.P.(MD)No.657 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.657 of 2023

Elango

... Petitioner

Vs.

1.The Inspector of Police,
Keerathuri Police Station,
Madurai City, Madurai District.
Crime No.357 of 2022.

2.Sakthivel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.357 of 2022 on the file of the respondent Police and quash the same.

For Petitioner : Mr.R.Babu Jaganath

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For R2 : Mr.S.Karthikeyan



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records relating to the FIR in Crime No.357 of 2022 on the file of the respondent Police and quash the same.

2. The case of the prosecution is that the defacto complainant, being an Assistant Sales Manager of Manjukonda Agro-Tech Private Ltd., has lodged a complaint by stating that they are selling rice in polythene bag by using the lable Manjukonda Navab and they are having copy right for the same and selling rice throughout Tamil Nadu. While so, the fake polythene rice bag of 25 Kgs was sold to Sri Mano traders and on coming to know about the same, by saying that the said polythene bag of 25 kgs is fake, a complaint was lodged to take action as against the Sri Mano Traders' owner/Elango and also as against the person, who sold rice bags to Sri Mano Traders. Hence, the case.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the second



respondent has given this false complaint against the petitioner before the first respondent and on that basis, FIR came to be registered in Crime No.357 of 2022, dated 17.06.2022 for the offences under Sections 486, 420 IPC and Section 51(b)(i) and 63(a) of Copy Right Act, 1957.

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 has been filed before this Court which have 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.R.Vengatagalapathi, SSI, Keerathurai Police Station, Madurai, 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.

6. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 486, 420 IPC and Section 51(b)(i) and 63(a) of Copy Right Act, 1957.



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7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in ***(2012)10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*** 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.357 of 2022, 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.357 of 2022 on the file of the first respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

09.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Keerathuri Police Station,
Madurai City, Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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