



Crl.O.P.(MD)No.1107 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.1107 of 2023

1.P.Francis Bruno @ Bruno

2.J.Philip Geofferin @Jeoferin

... petitioners

Vs.

1.State rep.by

The Inspector of Police,
South Police Station,
Thoothukudi District.

2.Infant Jeffirine Fernando @ Infant Jefrin

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records of the FIR in Crime No.552 of 2021 on the file of the first respondent, dated 31.07.2021 and quash the same as illegal.

For petitioners : Mr.J.Joseph Zinoson

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

For R2 : Mr.B.Karthick,



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the entire records of the FIR in Crime No.552 of 2021 on the file of the first respondent, dated 31.07.2021 and quash the same as illegal.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language, attacked him and also threatened him with dire consequences. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the second respondent has lodged a complaint before the first respondent and on that basis, FIR came to be registered in Crime No.552 of 2021, dated 31.07.2021 for the offences under Sections 294(b), 324 and 506(ii) IPC, against the petitioners.



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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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the concerned Police Officer 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 294(b), 324 and 506(ii) IPC.

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



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(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.552 of 2021 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.552 of 2021 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.

20.02.2023

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

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



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G.ILANGO VAN,J.

das

Order made in
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