



Crl.O.P.(MD)No.1536 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1536 of 2023

1.Jeffin Comfort

2.Abishek John

... Petitioners

Vs.

1.State represented by
The Inspector of Police,
Nazerath Police Station,
Thoothukudi District.
(Crime No.54 of 2018)

2.Vettu Perumal

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for records and quash the FIR pertaining to the FIR in Crime No.54 of 2018 on the file of the Inspector of Police, Nazerath Police Station, Thoothukudi District.

For Petitioners : Mr.R.Ilayaraja

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

For R2 : Mr.P.Mani Anandh



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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 pertaining to the First Information Report in Crime No.54 of 2018 on the file of the first respondent police and quash the same.

2. The case of the prosecution is that on 01.05.2018 at 11.00 p.m., the petitioners had downed the flag of the second respondent's organization and had attempted to set the flag on fire. Hence, he lodged a 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.54 of 2018 dated 03.05.2018 for the offence under Section 153 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 Mr.S.Samarwel Selwinraj, Special Sub Inspector, Nazareth Police Station 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. 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 offence under Section 153 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.54 of 2018 pending before the first respondent police, even though, the offence involved is not compoundable in nature.

9. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.54 of 2018 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.

02.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm



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



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K.MURALI SHANKAR,J.

csn

Order made in
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