

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

CrI.O.P.(MD) No.3184 of 2023

Amalan Rajiv Bonifas

... Petitioner/Sole Accused

Vs.

1.The State Represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
(Crime No.48 of 2016)

... 1st Respondent/Complainant

2.Felix Vijay

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C,
to call for the records and quash the proceedings in C.C. No. 588 of 2019 on
the file of the Learned Judicial Magistrate No.IV, Thoothukudi,
Thoothukudi District pursuant to the compromise arrived at by the parties.

For Petitioners : Mr.Vinayak.S

For R1 : Mr.S.Manikandan
Government Advocate

For R2 : Mr.R.Ilayaraja

ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the proceedings in C.C. No.588 of 2019 on the file of the Learned Judicial Magistrate No. IV, Thoothukudi, Thoothukudi District pursuant to the compromise arrived at by the parties.

2.The contention of the petitioner is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.48 of 2016 for the offences punishable under Sections 66D, 66E and 67 of Information Technology Act, 2000 and 201 and 469 of IPC against the petitioner. It appears that there is a dispute between the parties, the petitioner created Facebook ID using filthy language in the name of defacto complainant and now the defacto complainant decided to join with the first petitioner.

3.The further contention of the petitioner is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court

along with their counsels and also produced their Aadhar cards. They were also identified by the learned Additional Public Prosecutor and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5.Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 06.03.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending. Hence, all further proceedings in C.C.No.588 of 2019 pending on the file of the learned Judicial Magistrate No.IV, Thoothukudi District, is quashed and the compromise memo is recorded.

6.In the result, the Criminal Original Petition stands allowed and the entire proceedings in C.C.No.588 of 2019, pending on the file of the learned Judicial Magistrate No.IV, Thoothukudi District is hereby quashed in respect of the petitioners and the terms of joint compromise memo shall form part of this order.

21.03.2023

NCC:Yes/No
Index : Yes/No
Internet : Yes/No
Indu

G.ILANGOVAN. J.

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To

- 1.The Judicial Magistrate No.IV,
Thoothukudi District
- 2.The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.3184 of 2023

21.03.2023