



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2016

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P.(MD)No.20394 of 2016

and

Crl.M.P.(MD) No.10331 & 10332 of 2016

1.G.Gopalakrishnan

2.Prabhu

... Petitioners

Vs.

1.The State represented by
the Inspector of Police
Keelavalavu Police Station,
Melur,
Madurai.
(Crime No.219/2012).

2.Vayilmuthu

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to the impugned final report dated 14.03.2013 in C.C.No. 27 of 2013 on the file of the learned Judicial Magistrate, Melur and quash the same.

For Petitioner: Mr.Veera Kathiravan, Senior counsel
for M/s.Veera Associates

For R1 : Mr.K.Anbarasan
Government Advocate (Crl.side)

ORDER

The Criminal Original Petition has been filed seeking to call for the records relating to the impugned final report, dated 14.03.2013, in C.C.No.27 of 2013 on the file of the learned Judicial Magistrate, Melur and quash the same.

2. The learned Government Advocate (Crl.side) appearing for the first respondent would submit that when the accused filed an application to quash the F.I.R., this Court, in Crl.O.P.(MD). No.11357 of 2016, directed the petitioner to approach the trial



Court to file an application under Section 320 of Cr.P.C., or to face the trial. It is not in dispute that the trial is not yet completed.

3. The learned counsel appearing for the petitioners would submit that pursuant to the order passed in CrI.O.P.(MD), .No.11357 of 2016, the petitioners approached the learned Judicial Magistrate, Melur, for compounding the offences in CrI.M.P.No.4531 of 2016. But the trial Court refused to compound the offence that Section 294(b) is not compoundable.

4. Based on the complaint given by the second respondent/ complainant, a case has been registered against the petitioners in Crime No.219 of 2012 for the offences under Sections 176, 190, 202, 203, 287, 338, 406, 294(b) and 506(ii) of I.P.C., on the file of the first respondent and after investigation, the respondent police filed a charge sheet before the learned Judicial Magistrate, Melur in C.C.No.27 of 2013.

5. When the matter was called on 25.10.2016, both the petitioners as well as the second respondent are present before this Court and they categorically made a statement that the dispute between them have been settled amicably. They also filed a memo of compromise dated 21.10.2016 duly signed by both parties and counter signed by their respective Counsel. They would also submit that they are ready to donate Rs.50,000/- to Harijan Sevak Sangh.

6. In view of the above, this Court directed the parties to pay Rs.50,000/- to the Tamil Nadu Harijan Sevak Sangh, N.M.R.Subbaraman Memorial Residential Primary School Campus, 12, Dr.Thangaraj Road, Vinayaga Nagar, Opposite to Madurai Law College, Madurai -20 and also this Court dispensed with the appearance of the parties.

7. In view of the statements made by the parties and the compromise memo filed by them, no fruitful purpose will be achieved to proceed further in this matter.

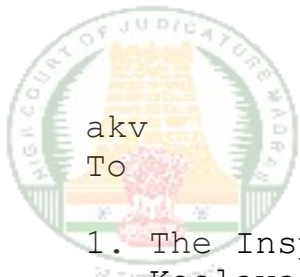
8. In view of that, the impugned charge sheet in C.C.No.27 of 2013 on the file of the learned Judicial Magistrate, Melur is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



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To

1. The Inspector of Police
Keelavalavu Police Station,
Melur,
Madurai.

2. The Judicial Magistrate, Melur.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.Veera Associates , Advocate Sr.NO.71543

GJM/SKS/RR/2.1.17-2p-5C

Cr1.O.P. (MD) No.20394 of 2016
22.11.2016