



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.O.P. (MD) No.14277 of 2015 and
M.P. (MD) Nos.1 & 2 of 2015

1. Kannappan
2. Malathi
3. Shanmugasundaram

... Petitioners/A1 to A3

-vs-

1. State Rep. by
The Sub-Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(in Crime No.126 of 2013)

... 1st Respondent/Complainant

2. Umashankar

... 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the STC.No.383/2013 in Crime No.126/2013 on the file of the DM-cum-JM, Keeranur, Pudukottai District and to quash the same as illegal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

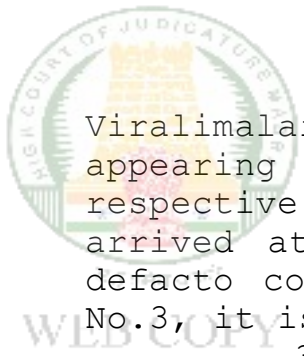
For Petitioner : Mr.G.Mathavan
For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)
For R2 : Mr.S.Karthick Subramanian

O R D E R

This petition has been filed, seeking to call for the records relating to S.T.C.No.383 of 2013 in Crime No.126 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate, Keeranur, Pudukottai District and to quash the same as illegal.

2. It is seen that a case in Crime No.126 of 2013 for the alleged offences under Sections 294(b) and 506(i) IPC has been registered against the petitioners/accused. After completion of the investigation, the 1st respondent Police filed a charge sheet, which was duly taken on file in S.T.C.No.383 of 2013 on the file of the District Munsif-cum-Judicial Magistrate, Keeranur, Pudukottai District

3. When the matter is taken up for hearing, the petitioners/accused and the second respondent, appeared in persons and their identifications were also verified by this Court, in confirmation of the identity of the parties by the Government Advocate (Crl.Side) through the respondent Police, namely, Mr.S.Meiappan, Special Sub-Inspector of Police,



Viralimalai Police Station, Pudukkottai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties and submitted that both the parties have arrived at a compromise. In support of the same, Umashankar / defacto complainant has filed an affidavit, wherein in Paragraph No.3, it is stated as follows:

3. I humbly submit that due to the pendency of the civil suit for partition there was a difference of opinion aroses between me and the quash petitioners and the criminal complaint was lodged against them, now the matter was amicable settled out of the Court and the settlement deed also made and signed by both of them in order to maintain peace in both the families and welfare of both family children in presence of Village elders. Therefore, I am not interested to proceed the said criminal case further."

4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in S.T.C.No.383 of 2013 in Crime No.126 of 2013 pending on the file of the District Munsif-cum-Judicial Magistrate, Keeranur, Pudukottai District in respect of all the accused including those who are not before this Court are hereby quashed. The affidavit of the defacto complainant dated 22.02.2017 shall form part of this order.

5. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

6. Accepting the submission, each of the petitioner is directed to pay a sum of Rs.500/- (Rupees Five Hundred only) to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court, Madurai, for the purpose of removal of Seemai Karuvelam Trees, within a period of two weeks from the date of receipt of a copy of this order. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Cour, Madurai. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/



To:

(*) AFFIDAVIT OF R2

(*) COMPROMISE MEMO XEROX COPIES ARE ENCLOSED HEREWITH

1. The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.
2. The District Munsif-cum-
Judicial Magistrate,
Keeranur, Pudukottai District.
3. The Sub-Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.S.Karthick Subramanian, Advocate, SR.No.53361

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RL/6C/3P/MR/10.5.2017

Cr1.O.P.(MD) No.14277 of 2015

20.04.2017