



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM

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

Crl.O.P.(MD) No.1921 of 2017

1.M.Sasimohan
2.M.Mugesh
3.M.Salomi
4.Srikumar

: Petitioners

-vs-

1.The State rep. by the Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.
in Crime No.2 of 2016,

2.Arumugachamy

: Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records in connection with the impugned chargesheet in STC No.228 of 2016 on the file of the learned Judicial Magistrate, Vilathikulam and quash the same.

For Petitioners	:	MG.Thalaimutharasu
For Respondent No.1	:	Mr.A.P.Balasubramani
		Government Advocate (Crl.side)
For Respondent No.2	:	Mr.K.Sankar

O R D E R

On the complaint lodged by one Armugachamy/2nd respondent, the first respondent police registered a case in Crime No.2 of 2016 and after completing the investigation, has filed a final report in S.T.C.No.228 of 2016, before the learned Judicial Magistrate, Vilathikulam, for offences under Sections 448, 294(b), 323 and 506 (i) of the Indian Penal Code against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the proceedings in S.T.C.No.228 of 2016 against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.K.Karuppasamy, Special Sub Inspector of Police, Ottapidaram Police Station, Thoothukudi District, is present in Court. The defacto complainant is present and the accused are also present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr. K.Karuppasamy, Special Sub Inspector of Police, Ottapidaram Police Station, Thoothukudi District.



3. The petitioners and the second respondent have filed an affidavit dated 20.02.2017, in which, it has been stated as follows:

"2.The petitioners humbly submit that the 1st respondent registered the case against the petitioners based on the complaint of the 2nd respondent for the offence u/s. 448, 294(b), 323 and 506(i) of IPC on 06.01.2016. After completing investigation, the 1st respondent filed chargesheet before the learned Judicial Magistrate, Vilathikulam for the offence u/s 448, 294 (b), 323 and 506(i) of IPC and the same has been taken on file in STC No.228/2016.

3.The petitioners humbly submit that now the family members as well as village elders of the petitioners and the 2nd respondent compromised both of them and in view of the compromise arrived between both the parties, the 2nd respondent is not willing to proceed further with the above case. Therefore, this Hon'ble Court may be pleased to accept this compromise memo and pass appropriate orders."

4. In view of the affidavit dated 20.02.2017, 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.228 of 2016, pending on the file of the learned Judicial Magistrate, Vilathikulam, in respect of all the accused are hereby quashed. The affidavit dated 20.02.2017 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 Karuvelam Trees.

6.Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each, 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 Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-

Assistant Registrar (C)

/True copy/

Sub Assistant Registrar

Encl: Xerox copies of Joint Compromise Memo

To:

<https://hcservices.ecourts.gov.in/hcservices/>
1. The Judicial Magistrate, Vilathikulam

2. -do- Thro' The Chief Judicial Magistrate, Tuticorin District



3.The Inspector of Police,
Ottapidaram Police Station,
Thoothukudi District.

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

Copy To:

The Registrar (Administration)

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s. G.THALAIMUTHARASU, Advocate, SR No. 18338

RR

PSM/SV-MMS/SAR4/13.04.2017/3P/7C

Order made in
Crl.O.P.(MD) No.1921 of 2017
Dated: 23.03.2017