



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL OP(MD).No.2275 of 2017

1.Vivekanandan
2.Mariappan
3.Kani Arul

...Petitioners/Accused Nos.1 to 3

Vs.

1.State represented by,
The Sub-Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
(Crime No.126 of 2016)
2.Parthiban

...1st Respondent/Complainant
...2nd Respondent/Defacto
Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Constitution of India, to call for the records in P.R.C.No.45 of 2016 in Crime No.126 of 2016 on the file of the Learned Judicial Magistrate, Vilathikulam and quash the same.

For Petitioner	: Mr.R.Boominathan
For Respondent 1	: Mr.A.P.Balasubramani Government Advocate (Crl.Side)
For Respondent 2	: S.Muniyandi

O R D E R

On the complaint given by Parthiban, the respondent police registered a case in Crime No.126/2016 on 17.06.2016 under Sections 294(b), 323, 506(i) IPC and Section 3 of TNPPDL Act and after completing the investigation, has filed the final report in P.R.C.No.45/2016 before the Judicial Magistrate, Vilathikulam for offences under Sections 294(b), 323 and 506(i) IPC and Section 3 of TNPPDL Act against the petitioners herein. Challenging which, the accused and the defacto complainant are before this Court for quashing the proceedings in PRC No.45 of 2016 against the petitioners on the ground that they have arrived at a compromise.

2.It is also seen that on the complaint given by one of the accused, a counter case has been registered against the defacto complainant in Crime No.127/2016, which has resulted in the police filing the chargesheet in STC No.525/2016 before the Judicial Magistrate, Vilathikulam, for which, a separate quash application has been filed in Crl.O.P.(MD) No.2276/2016.



3. Today, when the matter is taken up for hearing, Mr.M.Murugan, Special Sub Inspector of Police, Vilathikulam 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.M.Murugan, Special Sub Inspector of Police, Vilathikulam Police Station, Thoothukudi District.

4. The petitioners and the second respondent have filed an affidavit dated 23.02.2017, in which, it has been stated as follows:

"3.It is submitted that the village elders intervene the dispute between the de-facto complainant with the petitioners, the matter entered into compromise.

4.It is submitted that all the offences which are mentioned in the FIR is simple in nature. The 2nd respondent and the petitioners are residing the same village. Due to intervention of village elders, the parties were entered into the compromise. In this circumstance, the 2nd respondent not willing to proceed further against the petitioners before the respondent police in Crime No.126/2016 as well as chargesheet in P.R.C.No.45/2016 on the file of the learned Judicial Magistrate, Vilathikulam."

5. In view of the affidavit dated 23.02.2017, 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 P.R.C.No.45 of 2016, pending on the file of the learned Judicial Magistrate, Vilathikulam, in respect of all the accused are hereby quashed. The affidavit dated 23.02.2017 shall form part of this order.

6.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.

7.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.

<https://hcservices.ecourts.gov.in/hcservices/>

8.It is represented that the accused have deposited Rs.5000/- each at the time of executing sureties. Since the



prosecution is quashed, it is open to the petitioners to file an application for return of the said amount.

Sd/-

Assistant Registrar(CO)

/True Copy/

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Sub Assistant Registrar

To

1.The Judicial Magistrate, Vilathikulam

2. The Sub-Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

3. 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 Mr.R.Boominathan, Advocate, SR.No. 17545

**ORDER MADE IN
CRL OP (MD) .No.2275 of 2017
24.03.2017**

RR

MKV-JC-SAR 3/4.4.2017/3P-6C