



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

CRL.O.P. (MD) No.2768 of 2017

1. Murugan
2. Doctor@ Ganesan
3. Captain @ Muppudathi
4. Ganesan
5. Mari Kani
6. Chinnaiah@Manikandan
7. Balakrishnan
8. Subramanian@Subra
9. Raj@ Selva Packia Raja : Petitioners /Accused No.1 to 3

-Vs-

1. The State represented by
The Inspector of Police,
Alangulam Police Station,
Tirunelveli District. : 1st Respondent/Complainant

2. Murugan : 2nd Respondent/Defacto Complainant

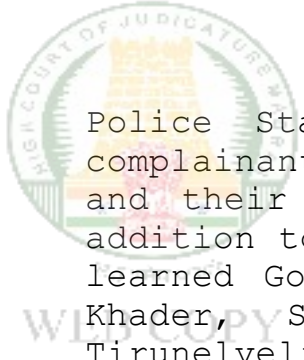
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records and quash the charge sheet in S.C.No.229 of 2014 on the file of the Learned Principal Sub Judge, Tenkasi Tirunelveli District, pursuant to the compromise arrived at by the parties.

For Petitioners : Mr. A.Thiruvadi Kumar
For Respondents : Mr.A.P.Balasubramani
Government Advocate (Crl.side)
for R.1

ORDER

On the complaint lodged by second respondent, the first respondent police has registered a case in Crime No.261 of 2011 and after completing the investigation, has filed the final report in S.C.NO.229 of 2014, before the learned Principal Sub-Judge, Tenkasi, Tirunelveli District for the offences under Sections 147, 148(A), 294(b), 506(ii) I.P.C. and Section 3 TNPPDL Act against the petitioners herein, for quashing which, the petitioners and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

<https://hcservices.courts.gov.in/hcservices/> when the matter was taken up for hearing,
Mr.Mohideen Abdul Khader, Sub-Inspector of Police, Alangulam



Police Station, Tirunelveli District is present. The *defacto* complainant is present and all the other petitioners are 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. Mohideen Khader, Sub-Inspector of Police, Alangulam Police Station, Tirunelveli District.

3. The petitioners and the second respondent have filed a joint compromise memo dated 31.01.2017, wherein, it is stated as follows:

"3. It is submitted that the fact remains that the petitioners and the Defacto complainant are the residents of the same locality. It is submitted that the dispute had been resolved at the intervention of the elders of the village and the fact remains that the Petitioners and the second respondent are the residents of the same Village. It is submitted that no useful purpose would be served in proceeding with the Trial, since at present the dispute which is between two individuals, has been settled among themselves. It is submitted that the parties have resolved their dispute, at the behest of their well wishers and they have in fact forgotten the untoward incident. It is submitted that due to the present proceedings, the petitioners are greatly prejudiced.

4. It is submitted that the second respondent herein has filed a separate Affidavit before this Hon'ble Court, in addition to the Joint Compromise Memo filed by the parties. It is submitted that at present, the Defacto Complainant does not intend to pursue the proceedings as the dispute had attained finality. It is submitted that the second respondent does not intend to proceed further with the dispute and is very much interested in giving quietus to the dispute.

It is submitted that the second respondent/ Defacto complainant is not interested in pursuing the case and as such the entire further exercise of the Trial would be a futile exercise. It is submitted that at present the dispute between the parties have been resolved and the compromise arrived at on both side and the present Quash Petition by the parties is genuine and voluntary.

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 Crime No. 261 of 2011 on the file of the first respondent police in respect of all the accused including those who are not before~~

this Court are hereby quashed. The joint compromise memo dated 31.01.2017 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 Seemai 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(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

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

Copy to:

The Registrar,
Administration,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Thiruvadikumar,Advocate,SR.50619

CRL.O.P.(MD) No. 2768 of 2017

Dated: 06.04.2017

SSL

kk/JC/SAR3-20.04.2017-3P-5C