



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.03.2017

CORAM:

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

Crl.O.P. (MD) No.3192 of 2017

M.Ganapathi

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Karivalamvanthanallur Police Station,
Karivalamvanthanallur,
Sankarankovil Taluk,
Tirunelveli District. ...1st Respondent/Complainant

2.Sankar @ Sankarapandian ...2nd Respondents/Defacto Complainant

Prayer: Petition filed under section 482 of Criminal Procedure Code to call for the records pertaining to the F.I.R. in Crime No. 304 of 2016 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.M.Karuppsamy Pandian
For Respondents : Mr.A.P.Balasubramani, for R1
Government Advocate (Crl. side)
Mr.Senthil Sankaranathakumar for R2

O R D E R

On the complaint given by the 2nd respondent, the respondent police registered a case in Crime No.304/2016 on 17.06.2016 under Sections 447, 294(b), 506(i) IPC and Section 3 of TNPPDL Act against the petitioner herein. Challenging which, the accused and the *defacto* complainant are before this Court for quashing Crime No.304 of 2016 against the petitioner on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.S.Vaiyapuri, Sub Inspector of Police, Karivalamvandhanallur Police Station, Tirunelveli 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. S.Vaiyapuri, Sub Inspector of Police, Karivalamvandhanallur Police Station, Tirunelveli District.



3. The petitioner and the second respondent have filed an affidavit dated nil February 2017, in which, it has been stated as follows:

"2.It is submitted that according to the said compromise the petitioner has agreed to pay a compensation amount of Rs.85,000/- to the de-facto complainant towards full and final settlement of the encroached and damaged property by the petitioner accused vide Demand Draft No.267758 dated 24.02.2017 drawn on State Bank of India, Sankarankovil Branch in favour of Sankarapandian defacto complainant.

3.It is further agreed that the defacto complainant henceforth do not claim any rights over the encroached property more fully the common pathway leading to the well, the well and compound wall constructed thereon.

4.With the above terms the compromise has been arrived and the same is not by coercion or threats.

5.Hence it is just and necessary to file this compromise memo before this Hon'ble Court and record the same and dispose of the above r1.O.P.No.3192/2017."

4. In view of the affidavit dated nil February 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 Crime No.304 of 2016, pending on the file of the respondent police, in respect of all the accused are hereby quashed. The affidavit dated Nil February 2017 shall form part of this order.

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

6.Accepting the submission, the petitioner is directed to pay a sum of Rs.2,000/- (Rupees two thousand 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 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/



To

1.The Inspector of Police,
Karivalamvanthanallur Police Station,
Karivalamvanthanallur,
Sankarankovil Taluk,
Tirunelveli District.

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

+1cc to M/S.S.M.Karuppasamy Pandian,Advocate,SR.17929

+1cc to Mr.S.Balaji,Advocate,SR.17905

Copy to:

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

Crl.O.P. (MD) No.3192 of 2017
24.03.2017

RR

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