



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017
CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD) No.3352 of 2017**

- 1.Akamad Ali
- 2.Mohamed Rabik
- 3.Syed Kani
- 4.Basir Akamad
- 5.Katharmeera
- 6.Kathar Ibrahim
- 7.Jaleel Mohamed
- 8.Jagankeer
- 9.Sathikbasha
- 10.Mohamed Jalal
- 11.Mohamed Yasin
- 12.Abdul Rahuman
- 13.Biroskan
- 14.Jahir Usain
- 15.Parakathali
- 16.Abdul Salim
- 17.Jiyavudeen
- 18.Perdhoskan
- 19.Arabu Salik
- 20.Thasthajer
- 21.Soukathali
- 22.Kadar Sulthan
- 23.Askar Ali

: Petitioners/ Accused Nos 1 to 23
-vs-

- 1.State rep. by,
The Inspector of Police,
Illayangudi Police Station,
Sivagangai District.
(Crime No.448 of 2012).

: Respondent / Complainant

- 2.Sulthan

: Respondent / Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records in P.R.C.No.7 of 2014 on the file of the learned Judicial Magistrate, Illayangudi, Sivagangai District and quash the same.

For Petitioners : Mr.B.Jameel Arasu

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.K.P.S.Palanivel Rajan

**ORDER**

On the complaint lodged by the second respondent, the first respondent police registered a case in Crime No.448 of 2012 and after completing the investigation, has filed a final report in P.R.C.No.7 of 2014, before the learned Judicial Magistrate, Illayangudi, for offences under Sections 147, 148, 323, 324, 506 (ii) and 307 of the Indian Penal Code against 24 accused, of which, 23 accused are before this Court for quashing the prosecution on the ground that the parties have arrived at a compromise.

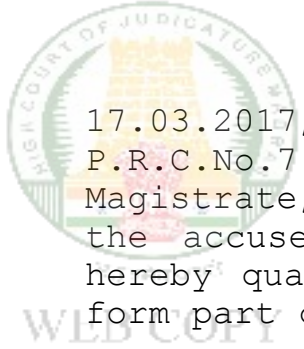
2. The defacto complainant is present and he was identified by his counsel Mr.K.P.S.Palanivel Rajan, Enrolment No.294/1997. Some of the petitioners are present and they were identified by their counsel for Jameel Arasu.

3. Under normal circumstances, a final report filed under Section 307 of the Indian Penal Code cannot be quashed in a routine manner on the ground that the parties have arrived at a compromise. However, in this case, it is seen that a quarrel occurred between the members of the same Jamath during the election to the Jamath Council, in which, two rival factions clashed by throwing chairs at each other. The defacto complainant had not suffered any serious injury in any vital part of the body. That apart, the parties have filed a joint compromise memo dated 17.03.2017, wherein, it is stated as follows:

"3.They submit that elders of the Villagers advised both parties to go friendly and forgive the mistakes each other and advised to develop good harmony each other. At the advise of the elders, there was a compromise talk went on and as per the village elders and relatives advice both parties came to a compromise. On that basis of the compromise, the second respondent expressed and willing to withdraw the criminal case against the petitioners and he does not want to prosecute the case further more and want a peaceful atmosphere and develop harmony among ourselves.

3. They submit that the dispute was settled between the parties and the parties had compromised the matter amicably "

4. Taking into consideration the nature of the injury suffered by the victim and the fact that the dispute had arisen among the members of the same community during Jamath election and that apart, against the defacto complainant and others, a counter case was registered in Crime No.449 of 2012 for similar offences and that had resulted in filing of a charge sheet in P.R.C.No.14 of 2016, which has been quashed by this Court in CrI.O.P.(MD)No.3351 of 2017 and also in view of the joint compromise memo dated



17.03.2017, this petition is allowed and the entire proceedings in P.R.C.No.7 of 2014 pending on the file of the learned Judicial Magistrate, Illayangudi, Sivagangai District, in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo dated 17.03.2017 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.

7. Post the matter on 06.04.2017 **"for reporting compliance"**.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

Encl: Xerox copies of Compromise Memo

To:

1.The Judicial Magistrate,
Illayangudi,
Sivagangai District.

2.The Inspector of Police,
Illayangudi Police Station,
Sivagangai 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 M/s.B.JAMEEL ARASU, Advocate, SR No. 17487

SML

PSM/MR/SAR2/28.03.2017/3P/6C