



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) Nos.3361 and 4380 of 2017

Crl.O.P. (MD) No.3361 of 2017

C.Shanmugaraj : Petitioner /Petitioner/ Accused No.1

-Vs-

1.The State represented by
The Inspector of Police,
South Police Station,
Tuticorin District.

(Crime NO.458 of 2016) : 1st Respondent/1st Respondent /
Complainant

2. Mariappan

: 2nd Respondent/2nd Respondent/
Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records of the charge sheet in C.C.No.154 of 2016 on the file of the Judicial Magistrate No.I, Thoothukudi and quash the same against the petitioner alone.

Crl.O.P. (MD) No.4380 of 2017

1.Mani

2.Saravanan

3.Robin : Petitioners /Petitioners/ Accused Nos.2 to 4

-Vs-

1.The State represented by
The Inspector of Police,
South Police Station,
Tuticorin District.

(Crime NO.458 of 2016) : 1st Respondent/1st Respondent/
Complainant

2. Mariappan

: 2nd Respondent/2nd Respondent/
Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records of the charge sheet in C.C.No.154 of 2016 on the file of the Judicial Magistrate No.I, Thoothukudi and quash the same against the petitioners.



For Petitioners
in both petitions : Mr.P.Banuprasath

For Respondents
in both petitions : Mr.K.Anbarasan
Government Advocate (Crl.side)
for R.1

For R2 : Mr.K.Seemaraj

COMMON ORDER

On the complaint lodged by Mariappan, the first respondent police has registered a case in Crime No.458 of 2016 and after completing investigation, has filed charge sheet in C.C.No.154 of 2016 before the learned Judicial Magistrate No.I, Thoothukudi for the offences under Sections 341, 294(b), 387 and 506(ii) I.P.C., the petitioners and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Mr.C.,Vairavan, Special Sub-Inspector of Police, South Police Station, Thoothukudi 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.C.,Vairavan, Special Sub-Inspector of Police, South Police Station, Thoothukudi.

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

"2. The petitioner and the second respondent further submit that during the pendency of the proceeding, at the intervention of elders, both the parties have sat together, in which an amicable conclusion has been arrived at and as one part of a conclusion, the second respondent has agreed to say no objection for the purpose of quashing the present criminal proceeding."

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, both the petitions are allowed and the entire proceedings in C.C.No.154 of 2016, on the file of the Judicial Magistrate No.I, Thoothukudi in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo 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.1,000/- (Rupees One Thousand only) **each, totally Rs.4,000/- (4xRs.1,000/-)** 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(Co)

/True copy/

Sub Assistant Registrar

To

Encl:Xerox copy of Compromise memo

- 1.The Judicial Magistrate No.I,
Thoothukudi.
- 2.The Inspector of Police,
South Police Station,
Tuticorin District.
- 3.The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ssl

AE/SKN/SAR3/02.06.2017/3P/5C

CRL.O.P.(MD) Nos.3361 and 4380 of 2017

Dated: 12.04.2017