



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.03.2016

CORAM:

THE HONOURABLE JUSTICE. MR. P.N.PRAKASH

WEB COPY

Cr1.O.P. (MD) No.3398 of 2017

01.Mansingh,
S/o. Manickaraj,
No.5/225D-6,Kumarasamy Nagar 3rd Street,
Muthaiyapuram,Thoothukudi,
Thoothukudi District.

02.J.Vijay Jeyatheesh,
S/o. Jeyagopi,
Ramasamy Nadar Road,
Backside of TMB, Mullakadu,
Thoothukudi,
Thoothukudi District. ...Petitioners/Accused No.1 & 2

Vs.

01.The State Represented by
The Inspector of Police,
Muthaiyapuram,Thoothukudi
Thoothukudi District.
(Crime No.449/2015) ..1st Respondent/Complainant

02.J.Antony Regin,
S/o.Jeyaraj,
No.5/238/H4, Thangamani Nagar 1st Street,
Muthaiyapuram, Thoothukudi,
Thoothukudi District ..2nd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. Praying to call for the records to accept the present Affidavit as well as Joint Compromise Memo and quash the F.I.R. In Crime No.449 of 2015 on the file of the Inspector of Police, Muthaiyapuram Police Station, Thoothukudi, Thoothukudi District, pursuant to the compromise arrived at by the parties.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondents : Mr.A.P.Balasubramani for R1
Government Advocate (Cr1. side)
Mr.S.Vinayak for R2

ORDER

On the complaint lodged by one Antony Regin/2nd respondent, the Services & Courts in India
<https://hcservices.courts.gov.in/hcservices/>
for offences under Sections 341, 294(b), 323 and 506(ii) of the



Indian Penal Code against the petitioners, challenging which, the accused and the *defacto* complainant are before this Court for quashing the case in Crime No.449 of 2015 against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.S.Sekar, Special Sub Inspector of Police, Muthiahpuram 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.S.Sekar, Special Sub Inspector of Police, Muthiahpuram Police Station, Madurai District.

3. The petitioners and the second respondent have filed an affidavit along with a compromise memo, dated 15.03.2017, in which, it has been stated as follows:

"It is submitted that at present we have compromised the dispute among ourselves at the behest of our well-wishers. I submit that the occurrence took place out of a trivial motive and the incident had been given scot free by the parties. I submit that myself and the petitioners herein are of young age and we have not settled in our life. I submit that I intend to go abroad for an avocation and the petitioners career would also be affected in view of the present criminal case. I submit that for the well being of our future and in view of the fact that we are the residents of the same locality, I humbly pray that this Hon'ble Court may be pleased to quash the FIR.

2.I submit that I have filed a joint compromise memo and the present affidavit is sworn in addition to the said memo. I submit that I am not very much interested in proceeding with the criminal case. I submit that the allegations are trivial in nature and at present, the entire incident had been forgotten and as such I am not very much interested in proceeding with the present criminal case. I submit that the pendency of the criminal case will serve no purpose as the dispute among ourselves had been resolved at the intervention of the elders. I submit that the present Affidavit forms part and parcel of the Joint compromise memo as well as the present criminal original petition."

4. In view of the affidavit dated 15.03.2017, 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.449 / 2015, pending on the file of the respondent police, in respect of all the accused are hereby quashed. The affidavit dated 15.03.2017 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.1,000/- (Rupees one thousand 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.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Muthaiyapuram, Thoothukudi
Thoothukudi District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1cc to Mr.A.Thiruvadikumar, Advocate, SR.17297

Copy to:
The Registrar (Admn)
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.3398 of 2017
23.03.2017

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