



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

CRL.O.P.(MD)No.3470 of 2017

WEB COPY

1.David Kingston
2.Moovendan
3.David Livingston
4.Krishnamoorthy : Petitioners/Accused 1 to 4

-Vs-

1.The Sub-Inspector of Police,
Pudukottai Police Station,
Pudukottai,Thoothukudi District.
(Crime No.345 of 2014) : Respondent/Complainant

2.Rajkumar : Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for records and quash the charge sheet filed by the first respondent police in C.C.No.220 of 2015 on the file of Judicial Magistrate Court No.1, Thoothukudi.

For Petitioners : Mr.S.Muthumalairaja
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.R.Murugan

O R D E R

On the complaint lodged by one Rajkumar, the first respondent police registered a case in Crime No.345 of 2014 and after completing the investigation, has filed a final report in C.C.No.220 of 2105, before the learned Judicial Magistrate No.1, Thoothukudi, for offences under Sections 279, 294(b), 323, 384, 506(ii) of the Indian Penal Code and Section 3 r/w 181 of the Motor Vehicles 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.

2. Today, when the matter was taken up for hearing, Mr.R.Sundaram, Special Sub-Inspector of Police, Pudukottai Police Station, is present. The defacto complainant is present and the petitioners are also present and their identifications were also
<https://hcservices.ecourts.gov.in/hcservices/>
verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate



(Criminal side) through Mr.R.Sundaram, Special Sub-Inspector of Police, Pudukottai Police Station.

3. The petitioners and the second respondent have filed a joint compromise memo dated 15.03.2017, wherein, it is stated as follows:

"3. It is submitted that according to the prosecution, the case against the petitioners is that on 05.10.2014, the car driven by the 1st petitioner dashed with 2nd respondent's lorry and thereby caused damaged to the lorry and car. Due to that, the petitioners threatened and attacked the 2nd respondent and also demanded money.

4. It is submitted that the petitioners and the 2nd respondent has resolved all the disputes between them. So, the case in C.C.No.220 of 2015 on the file of the Judicial Magistrate Court No.1, Thoothukudi is unnecessary and the same has to be quashed in the light of the circumstances stated in the affidavit enclosed herewith and this Hon'ble Court may be pleased to pass suitable orders and thus render justice."

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 C.C.No.220 of 2015 on the file of the learned Judicial Magistrate No.1, Thoothukudi in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo 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 Cour, Madurai.

Sd/-
Assistant Registrar

/True copy/



Enclosure: Joint Compromise memo Dated 15.03.2017

To

- 1.The Judicial Magistrate Court No.I,
Thoothukudi.
- 2.-do-thro The Chief Judicial Magistrate,
Thoothukudi.
- 3.The Sub-Inspector of Police,
Pudukottai Police Station,
Pudukottai,Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.

+3cc to M/S.S.Muthumalairaja, Advocate SR.No.17717

Order made in
CRL.O.P.(MD) No.3470 of 2017
Dated: 24.03.2017

JM/SKN RSK/SAR 4/05.04.2017/3P/9C