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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM

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

Crl.O.P.(MD) No.3479 of 2017

1.Ramesh
2.Sathiyamoorthy
3.Deivendiran
4.Saravanan
5.Karuppaiah
6.Thirumalai
7.Arumugam
8.Chinnathambi
9.Vellaiyan
10.Sarathkumar : Petitioners

-vs-

1.State through the Inspector of Police,
Othakadai Police Station,
Madurai District.
in Crime No.245 of 2014,

2.Malathi : Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records in Crime No.245 of 2014 pending on the file of the Inspector of Police, Othakadai Police Station, Madurai District and quash the same.

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

O R D E R

On the complaint lodged by one Malathi/2nd respondent, the first respondent police registered a case in Crime No.245 of 2014 for offences under Sections 147, 148, 294(b), 323, 324, 427 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 FIR in Crime No.245/2014 against the petitioners on the ground that they have arrived at a compromise.

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2. Today, when the matter is taken up for hearing, Ms.V.Jeyalakshmi, Sub Inspector of Police, Othakadai Police Station, Madurai 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 Ms.V.Jeyalakshmi, Sub Inspector of Police, Othakadai Police Station, Madurai District.

3. The petitioners and the second respondent have filed an affidavit dated 04.03.2017, in which, it has been stated as follows:

> **"2.During the pendency of the investigation, the 2nd respondent has realized that she has instituted the present case against the petitioners out of frustration. Now she realized her mistake. Hence the 2nd respondent/defacto complainant do not want to proceed the case further. The petitioners as well as the 2nd respondent are relative, hence, at the intervention of the family elders they have sat together and thought of purchase a peace. Therefore, they have entered into a compromise and mutually agreed to solve the problem amicably at the instance of the family elders. The 2nd respondent/defacto complainant also has no objection in allowing the present quash petition. Therefore in view of the amicable settlement between the parties the 2nd respondent express her willing to say no objection before this Hon'ble Court through this joint compromise memo for the purpose of quashing the entire proceedings as mentioned above."**

4. In view of the affidavit dated 04.03.2017, 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 FIR in Crime No.245/2014 pending on the file of the respondent police, in respect of all the accused are hereby quashed. The affidavit along with the joint compromise memo dated 04.03.2017 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 (Totally Rs.5,000/-), 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 Karuvelam Trees, within a period of two weeks from today.

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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:

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

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.

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

+1cc to Mr.M.Pitchaimuthu, Advocate Sr.No.50350

RR

VB/MR/SAR4/18.04.2017/3P/5C

Order made in
Crl.O.P.(MD) No.3479 of 2017
Dated: 03.04.2017

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