



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM

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

Cr1.O.P. (MD) No.3531 of 2017

1. Gowshi
2. Gautham
3. Illayaraja
4. Sathiskumar
5. Rajkumar
6. Pandi
7. Pandiyammal
8. Malathi
9. Krishnan
10. Pandi
11. Pothakar
- 12.

: Petitioners

-vs-

1. State Rep by,
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.612 of 2013)

2. Ramesh
S/o Thirumalai,
Kulanipatti,
Melur (Taluk),
Madurai District.

: Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the entire records in Crime No.612 of 2013, pending on the file of the Inspector of Police, Melur Police Station, Madurai District and quash the same.

For Petitioners	:	Mr. P.Ganesan
For Respondent No.1	:	Mr.A.P.Balasubramani
		Government Advocate (Cr1.side)
For Respondent No.2	:	

O R D E R

On the complaint lodged by one Ramesh / 2nd respondent, the first respondent police registered a case in Crime No.612 of 2013 for offences under Sections 147,148,341,294(b),323,324&506(ii) of the Indian Penal Code and Section 4 of TNWH Act against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the FIR against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.A.Veeranathan, Special Sub Inspector of Police, Melur Police Station, Madurai District, is present in Court. The defacto complainant is present and the accused are also present except Illayaraja/A3 & Pothakar/P12. The identifications of the accused 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.A.Veeranathan, Special Sub Inspector of Police, Melur Police Station, Madurai District.

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

"2.During pendency of the investigation, the 2nd respondent has realized that he has instituted the present case against the petitioners out of frustration. Now he realized his mistake. Hence the 2nd respondent/De-facto Complainant do not want to precede 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/De-facto 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 his 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.612 of 2013 pending on the file of the respondent police in respect of all the accused are hereby quashed. The affidavit along with a 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.5,500/- Rupees Five Thousand Five Hundred only), 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 (AS)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To:

1. The Inspector of Police,
Melur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Registrar (Admn.,)
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.GANESAN, ADVOCATE IN SR No. 50347

GK/RR

TE/SV-MMS/SAR-III : 26/04/2017 : 3P/5C

Order made in
Crl.O.P.(MD) No.3531 of 2017
Dated: 03.04.2017