



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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

Crl.O.P. (MD) No.3550 of 2017

and

Crl.M.P. (MD) No.2662 of 2017

1.Saravanakumar
2.R.M.Kanagaraj
3.Yogesh @ Yogeshwaran : Petitioners/Accused Nos.1 to 3

-vs-

1.The State Rep by,
The Inspector of Police,
Theppakulam Police Station,
Madurai.
(Crime No.1407 of 2016) : 1st Respondent/Complainant

2. K.G.Krishnakumar,
S/o Gangadharan,
No.12A, East Madurai Railway Station Road,
Baragpuram,
Madurai. : 2nd Respondent/De-facto
Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records pertaining to the case registered in F.I.R. In Crime No.1407 of 2016 on the file of the first respondent and quash the same.

For Petitioners : Mr.J.Lawrance
For Respondent No.1 : Mr.A.P.Balasubramani
Government Advocate (Crl.side)
For Respondent No.2 : Mr.Oli Raja

O R D E R

On the complaint lodged by one K.G.Krishnakumar/ 2nd respondent, the first respondent police registered a case in Crime No.1407 of 2016 for offences under Sections 394 of the Indian Penal Code against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the petitioners on the ground that they have arrived at a compromise.



2. Today, when the matter is taken up for hearing, Mr.K.Selva Subburaj, Special Sub Inspector of Police, Theppakulam Police Station, Madurai District, is present in Court. The defacto complainant is present and the accused are also present. 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.K.Selva Subburaj, Special Sub Inspector of Police, Theppakulam Police Station, Madurai District.

3. Under normal circumstances, offence under Section 394 of the Indian Penal Code should not be routinely quashed. However, on a reading of the FIR, it is seen that the De-facto Complainant found the accused beating his neighbour Mr.K.G.Krishnakumar. At that time De-facto Complainant intervened on behalf of said Krishnakumar and in the melee, it is alleged by the De-facto Complainant that the petitioner/accused took away Rs.11,000/- (Rupees Eleven Thousand only). It is their case that except offence under Section 75 of City Police Act, no other serious allegation is levelled against the 1st petitioner/accused.

3. The petitioners and the second respondent have filed an affidavit along with a joint compromise memo dated 04.04.2017, in which, it has been stated as follows:

"2. It is respectfully submitted that the family members of the De-facto Complainant. The petitioners and the 3rd respondent/injured victim are all residing in the same locality. It is further submitted that in order to maintain peace and friendship more fully all are residing in the same locality, all the elder family members have decided to put an end to the above case by entering into this joint compromise. In fact the ingredients of Section 394 are not at all applicable in this case and there was no such occurrence.

3. It is pertinent to mention that the future of the two petitioners who are graduates is getting hampered and their future is in peril. Further the petitioners are hailing from respectable family and they were not involved in any previous cases.

4. It is submitted that on the date of occurrence the petitioners herein have been taking snacks more fully sitting of the opposite side of our house at about 9.30pm on 18.09.2015, and they are all known to the 2nd and 3rd respondents very well and hence when the 3rd respondent requested them to go to their respective houses and hence there was a wordy altercation and scuffle between them and at that time the 2nd respondent/De-facto complainant has intervened, and thus above case has been registered."

4. In view of the affidavit dated 04.04.2017, 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.1407 of 2016 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 04.04.2017 shall form part of this order. Consequently, connected Crl.M.P.(MD) No.2662 of 2017 is closed.

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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.3,000/- (Rupees Three 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 (PROTOCOL)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

- 1.The Inspector of Police,
Theppakulam Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Registrar (Administration)
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.J.LAWRANCE,ADVOCATE,SR NO.52673

MRN / RR

MAS/MR:04.05.2017:3P-5C

Order made in
Crl.O.P.(MD) No.3550 of 2017
Dated: 19.04.2017