



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.3718 of 2017

1.Balakrishnan

2.Ponnar

: Petitioners

-Vs-

1. State: through the
Sub-Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
In Cr.No.365 of 2016.

2. Chandrasekar

: Respondents

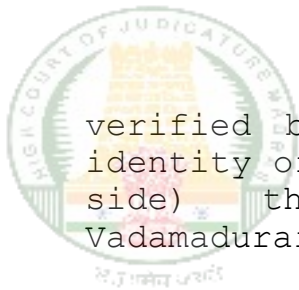
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records of the charge sheet in P.R.C.No.2 of 2017 on the file of the learned Judicial Magistrate, Vedachandur, Dindigul District, in F.I.R.No.365 of 2016 on the file of the first respondent police, and quash the same.

For Petitioners : Mr.A.Haja Mohideen
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.C.Prithiv Raj

ORDER

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.365 of 2016 on 21.09.2016 under Sections 341, 336 of the Indian Penal Code, 3(1) and 5 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 and after completing the investigation, has filed a final report in P.R.C.No.2 of 2017 before the learned Judicial Magistrate, Vedachandur, Dindigul District, 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. T. Maharanian, Special Sub-Inspector of Police, Vadamadurai Police Station, is present. The defacto complainant is present and the petitioners 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.T.Maharajan, Special Sub-Inspector of Police, Vadamadurai Police Station.

3. It is alleged by the prosecution that in a public agitation, the petitioners had damaged the wind-screen of a private bus. The *defacto* complainant, who is present in Court, submitted that the petitioners have paid Rs.20,000/- (Rupees Twenty Thousand only) towards damage of the bus.

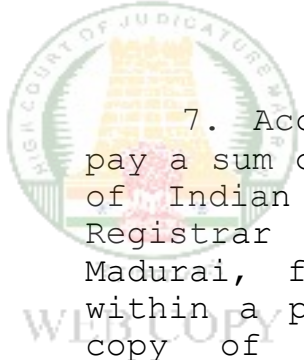
4. The petitioners and the second respondent have filed a joint compromise memo, wherein, it is stated as follows:

"The parties in the proceedings amicably settled the matter. No.1 & 2 Accused have paid the compensation amount of Rs.20,000/- (Rupees Twenty Thousand only) being the value of the glass broken in the alleged incident. The 2nd respondent/defacto complainant have received the amount and agreed to withdraw the complaint in Crime No.365 of 2016 U/s.341, 336 of IPC read with U/S.3(1) and 5 of TN Public Property (Prevention of Damage & Loss) Act, 1992. So, the charge sheet in P.R.C.No.2 of 2017 on the file of the Judicial Magistrate, Vedachandur, Dindigul District, in F.I.R.365 of 2016, on the file of the Sub-Inspector of Police, Vadamadurai, U/s.341, 336 of IPC, read with U/s.3(1) and 5 of TN Public Property (Prevention of Damage & Loss) Act, 1992, have to be quashed. The parties have no other grievance against each other.

The 2nd respondent have no objection to refund the security amount of Rs.10,000/- paid by the Accused Nos.1 & 2 before the learned Judicial Magistrate, Vedachandur, Dindigul District, in receipt No.94920 dated 7.10.2016 as per the order of this Hon'ble Court in CrI.O.P.(MD) No.19396/2016 dated 06.10.2016. Further, the 2nd respondent have no objection to return the vehicle Hero Honda Splendor bearing Regn.No.TN-57-Q-2604 to 1st petitioner/1st Accused. To this effect, this Joint Memo may be recorded."

5. 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 P.R.C.No.2 of 2017 on the file of the learned Judicial Magistrate, Vedachandur, Dindigul District in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo shall form part of this order.

6. 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.



7. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred 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 Seemai 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 (T&P)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To

1. The Judicial Magistrate,
Vedachandur, Dindigul District.
2. The Sub-Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

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

+ 2 CC TO Mr.A.HAJA MOHIDEEN, ADVOCATE IN SR No. 19336

SML
TE/JC/SAR-II : 19/04/2017 : 3P/7C

Order made in
CRL.O.P.(MD) No.3718 of 2017
Dated: 03.04.2017