



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.04.2017

CORAM

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

Crl.O.P.(MD) No.4118 of 2017

N.Kathiravan : Petitioner/Sole Accused

-vs-

1. State Rep by,
The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
(Crime No.160 of 2007) : Respondent/Complainant

2. Venkatesh,
S/o, Subbiah Muthaliyar,
44, Sankar Street,
Ambasamuthiram,
Tirunelveli District. : Respondent/De-facto
Complainant

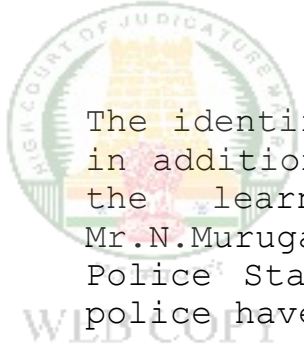
Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records of the First Information Report in Crime No.160 of 2007 on the file of the Inspector of Police, Ambasamuthiram Police Station, Tirunelveli District and quash the same.

For Petitioner : Mr.S.Palani Velayutham
For Respondent No.1 : Mr.K.Anbarasan
Government Advocate (Crl.side)
For Respondent No.2 : Mr.S.Ramakrishnan

O R D E R

On the complaint lodged by one Venkatesh / 2nd respondent, the first respondent police registered a case in Crime No.160 of 2007 for offences under Sections 347 & 498 and later altered into one under Section 366 of the Indian Penal Code against the petitioner, challenging which, the accused and the *defacto* complainant are before this Court for quashing the FIR against the petitioner on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.N.Murugan, Special Sub Inspector of Police, Ambasamuthiram Police Station, Tirunelveli District, is present in Court. The *defacto* complainant is present and the accused is also present.



The identification of the accused was 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.N.Murugan, Special Sub Inspector of Police, Ambasamuthiram Police Station, Tirunelveli District. It is submitted that the police have not filed any chargesheet in the case.

3. The petitioner and the second respondent have filed an affidavit along with a joint compromise memo dated 09.01.2017, in which, it has been stated as follows:

"3.The petitioner submits that in a fit of anger the second respondent gave a complaint. Now the differences and the issues between the second respondent and the petitioner have been amicably settled for their peaceful future life. Therefore, the petitioner most humbly prayed for pardon of this Court for the inconvenience caused by the second respondent.

4.The petitioner humbly submits that in view of their compromise for a peaceful future, this Court may be pleased to permit the petitioner and the second respondent to compound the offence in the interest of justice through the offences are not compoundable."

4. In view of the affidavit dated 09.01.2017, 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.160 of 2007 pending on the file of the respondent police in respect of the accused is hereby quashed. The affidavit along with a compromise memo dated 09.01.2017 shall form part of this order.

5.At the instance of the learned counsel for the petitioner, the petitioner themselves voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.

6.Accepting the submission, the petitioner is directed to pay a sum of Rs.1,000/- (Rupees 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 (CS-I)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



Encl.: Xerox copy of Compromise Memo

To:

1. The Inspector of Police,
Ambasamuthiram Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

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

+ 1 CC TO Mr.S.PALANI VELAYUTHAM, ADVOCATE IN SR No. 52425

MRN/RR

TE/RR : 03/05/2017 : 3P/5C

Order made in
Crl.O.P.(MD) No.4118 of 2017
17.04.2017