



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2017

CORAM:

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

Crl.O.P.(MD) No.4286 of 2017

1. Pandi
2. Karthick
3. Gayathiri
4. Mayandi
5. Ramar

... Petitioners/A1 to A5

-vs-

- 1.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

(in Crime No.112 of 2016) ... 1st Respondent/Complainant

2. Karuppaiah

... 2nd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in Crime No.122 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.R.Shankar Ganesh
For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)
For R2 : Mr.K.Thiruchelvan

O R D E R

This petition has been filed, seeking to call for the records in Crime No.122 of 2016 on the file of the 1st respondent police and quash the same.

2. When the matter was taken up for hearing, learned Government Advocate (Crl.Side) submitted that the investigation in Crime No.122 of 2016 has been conducted and the case was closed as Action Dropped on 11.10.2016. But the closure report has not been accepted by the learned Judicial Magistrate, Thirumangalam. Under such circumstances, the petitioners are before this Court to quash the FIR in Crime No.122 of 2016, on the ground that they have arrived at a compromise. They have also filed a Joint Compromise Memo duly signed by both parties in support of their amicable settlement, wherein it is stated as follows:



(1) It is submitted that at the instance of the 2nd respondent a FIR was registered against the petitioners herein in Crime No.112 of 2016 on 23.02.2016 for the offences under Sections 147, 294(b), 323, 506(i) of I.P.C.

WEB COPY

(2) It is submitted that after registration of the FIR the parties herein have settled the dispute amicably. The parties have been advised by the elders of their family to settle their difference of opinion. Since the 2nd respondent due to misunderstanding lodged the present complaint has agreed to compromise the case without any claim/

(3) It is submitted that all the offences which are mentioned in the FIR are simple in nature. Due to intervention of the village elders, the parties entered into the compromise.

(4) The 2nd respondent has no objection to quash FIR in Crime No.122 of 2016."

3. 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 Crime No.122 of 2016 pending on the file of the 1st respondent police in respect of all the accused including those who are not before this Court are hereby quashed. The joint memo of compromise dated 10.04.2017 shall form part of this order.

4. 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 Seemai Karuvelam Trees.

5. Accepting the submission, each of the petitioner is directed to pay a sum of Rs.500/- (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 Seemai Karuvelam Trees, within a period of two weeks from the date of receipt of a copy of this order. 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

/True copy/

Sub Assistant Registrar



To:

Encl: Xerox copy of compromise memo

1. The Judicial Magistrate,
Thirumangalam.

2. The Chief Judicial Magistrate,
Madurai.

3. The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

4. 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. R. Shankar Ganesh , Advocate in SR.No. 53338

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AE/RR/SAR3/25.04.2017/3P/7C

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