



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) Nos.4501 and 4502 of 2017

Crl.O.P.(MD)No.4501 of 2017:

- 1.Sathish @ SathishKumar
- 2.Dhineshkumar
- 3.Kannan @ Ganeshkannan
- 4.Karthick
- 5.Chinnadurai
- 6.Jeya @ Jeyamary

: Petitioners

-vs-

- 1.State Rep by,
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.316 of 2016)

:1st Respondent/ Complainant

2. Shanmugam,
S/o Subbaiah,
No.1/295, Madavan Nagar West,
Korampallam, Thoothukudi,
Thoothukudi District.

: 2nd Respondent/ De-facto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records and quash the F.I.R. In Crime No.316 of 2016 dated 23.10.2016 on the file of the Inspector of Police, SIPCOT Police Station, Thoothukudi, Thoothukudi District, pursuant to the compromise arrived at by the parties.

For Petitioners : Mr.A.Thiruvadi Kumar

For Respondent No.1 : Mr.K.Anbarasan

Government Advocate (Crl.side)

For Respondent No.2 : Mr.S.Vinayak

Crl.O.P.(MD)No.4502 of 2017:

- 1.Shanmugam
- 2.Parvathi
- 3.Jeeva @ Jeevanandham
- 4.Sumathi
- 5.Arumugasamy
- 6.Venkatesh
- 7.Selvakumar

: Petitioners

-vs-



SIPCOT Police Station,
Thoothukudi, Thoothukudi District.
(Crime No.317 of 2016)

:1st Respondent/ Complainant

2. Dhineshkumar,

S/o. Chinnadurai,

No.1/270A, Madavan Nagar West,

Korampallam, Thoothukudi,

Thoothukudi District.

: 2nd Respondent/De-facto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records and quash the F.I.R. In Crime No.317 of 2016 dated 23.10.2016 on the file of the Inspector of Police, SIPCOT Police Station, Thoothukudi, Thoothukudi District, pursuant to the compromise arrived at by the parties.

For Petitioners : Mr.S.Vinayak

For Respondent No.1 : Mr.K.Anbarasan

Government Advocate (Crl.side)

For Respondent No.2 : Mr.A.Thiruvadikumar

COMMON ORDER

On the complaint lodged by one Shanmugam/ 2nd respondent, the first respondent police registered a case in Crime No.316 of 2016 for offences under Sections 147,294(b),323,506(i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioners, challenging which, the accused and the defacto complainant are before this Court by filing Crl.O.P.(MD) No.4501/2017 for quashing the FIR against the petitioners on the ground that they have arrived at a compromise.

2.On the complaint lodged by one Dhineshkumar/ 2nd respondent, the first respondent police registered a case in Crime No.317 of 2016 for offences under Sections 147, 294(b), 323 and 506(i) of the Indian Penal Code against the petitioners, challenging which, the accused and the defacto complainant are before this Court by filing Crl.O.P.(MD) No.4502/2017 for quashing the FIR against the petitioners on the ground that they have arrived at a compromise.

3.Today, when the matter is taken up for hearing, the Sub Inspector of Police, SIPCOT Police Station, Thoothukudi District, is present in Court. The defacto complainants are present and the accused are also present except Selvakumar in Crl.O.P(MD)No.4502 of 2017. 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 the Sub Inspector of Police, SIPCOT Police Station, Thoothukudi District.



3. The petitioners and the second respondent in CrI.O.P(MD) No.4501 of 2017 have filed affidavit along with a joint compromise memo dated 12.04.2017, in which, it has been stated as follows:

"3.It is submitted that the petitioners and the De-facto Complainant/2nd respondent herein happen to be neighbours and at present on the intervention of the elders the dispute has been amicably settled. It is submitted that the petitioners herein are the residents of the same locality and the occurrence took place pursuant to a wordy altercation. It is submitted that considering the nature of the dispute, the petitioners herein and the 2nd respondent herein has been arrived at a peaceful settlement. It is submitted that the dispute had been resolved in total among the parties and no useful purpose would be served in proceeding with the Investigation and Trial, since at present the dispute which is between two individuals, has been settled among themselves. It is submitted that the parties have resolved their dispute, at the behest of their well-wishers and they have in fact forgotten the untoward incident. It is submitted that due to the present proceedings, the petitioners are greatly prejudiced. It is submitted that the accused viz., A4/Lakshmanan who is not before this Court.

4.It is submitted that the 2nd respondent herein has filed a separate Affidavit before this Court, in addition to the Joint Compromise Memo filed by the parties. It is submitted that at present, the De-facto complainant does not intend to pursue the proceedings in view of the compromise arrived with the petitioners. It is submitted that the 2nd respondent does not intend to proceed further with the dispute and is very much interested in giving quietus to the dispute.

5.It is submitted that the 2nd respondent/De-facto Complainant is not interested in pursuing the case and as such the entire further exercise of the Trial would be a futile exercise. It is submitted that at present the dispute between the parties have been resolved and the compromise arrived at on either side in the present Quash Petition by the parties is genuine and voluntary."

4. The petitioners and the second respondent in CrI.O.P(MD) No.4502 of 2017 have filed affidavit along with a joint compromise memo dated 12.04.2017, in which, it has been stated as follows:

<https://hcservices.ecourts.gov.in/hcservices/> It is submitted that the petitioners and the De-facto Complainant/2nd respondent herein happen to be neighbours and at present on the intervention of the



elders the dispute has been amicably settled. It is submitted that the petitioners herein are the residents of the same locality and the occurrence took place pursuant to a wordy altercation. It is submitted considering the nature of the dispute, the petitioners herein and the 2nd respondent herein has been arrived at a peaceful settlement. It is submitted that the dispute had been resolved in total among the parties and no useful purpose would be served in proceeding with the Investigation and Trial, since at present the dispute which is between two individuals, has been settled among themselves. It is submitted that the parties have resolved their dispute, at the behest of their well-wishers and they have in fact forgotten the untoward incident. It is submitted that due to the present proceedings, the petitioners are greatly prejudiced.

4. It is submitted that the 2nd respondent herein has filed a separate Affidavit before this Court, in addition to the Joint Compromise Memo filed by the parties. It is submitted that at present, the De-facto complainant does not intend to pursue the proceedings in view of the compromise arrived with the petitioners. It is submitted that the 2nd respondent does not intend to proceed further with the dispute and is very much interested in giving quietus to the dispute. It is submitted that the 2nd respondent/De-facto Complainant is not interested in pursuing the case and as such the entire further exercise of the Trial would be a futile exercise. It is submitted that at present the dispute between the parties have been resolved and the compromise arrived at on either side in the present Quash Petition by the parties is genuine and voluntary."

5. In view of the affidavits filed along with the compromise memos dated 12.04.2017, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, these petitions are allowed and the FIRs in Crime Nos.316 and 317 of 2016 pending on the file of the respondent police in respect of all the accused are hereby quashed. The affidavits along with a compromise memos dated 12.04.2017 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.

<https://hcservices.courts.gov.in/hcservices/> On the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each (totally Rs.6,500/- Rupees Six 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.

/True Copy/

sd/-

Assistant Registrar(CS-III)

Sub Assistant Registrar

To:

1. The Inspector of Police,
SIPCOT Police Station,
Thoothukudi, Thoothukudi 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.A.Thiruvadikumar, Advocate, SR.No.52202
+1 cc to Mr.S.Vinayak, Advocate, SR.No. 52203

Order made in
Crl.O.P. (MD) Nos.4501 and 4502 of 2017
Dated: 17.04.2017

MRN/RR
MKV-SKN/2.5.2017/5P-6C