



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

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CRL.O.P. (MD) Nos.4887 of 2017 and 19653 of 2013
and
M.P. (MD) Nos.1 and 2 of 2013

CRL.O.P. (MD) No.4887 of 2017:

1.Prakash
2.Periya Karuppan
3.Amutha
4.Prabhakaran : Petitioners

-Vs-

1.The Sub-Inspector of Police,
All Women Police Station (South),
Madurai City,
Madurai District.
(Crime No.20 of 2012).

2.Jeya Priya : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to record the compromise reached between petitioners/accused and the second respondent/*defacto* complainant and call for the records in C.C.No.204 of 2014 on the file of Additional Mahila Court, Madurai, in connection with Crime No.20 of 2012 on the file of the first respondent and quash the same as illegal and violation of law.

For Petitioners : Mr.C.Deepak
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.Palmurugan

CRL.O.P. (MD) No.19653 of 2013:

1.Brindha
2.Saravana Tamizhan : Petitioners

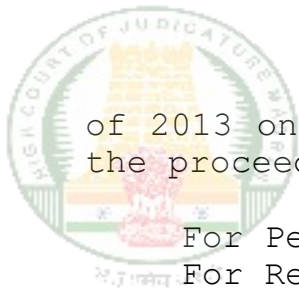
vs.

1.The State rep. by
Inspector of Police,
All Women Police Station, South,
Madurai.
(Crime No.20 of 2012).

2.Jeyapriya : Respondents

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

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to C.C.No.92



of 2013 on the file of Judicial Magistrate No.1, Madurai, and quash the proceedings by allowing this Criminal Original Petition.

For Petitioners : Mr.P.Samuel Gunasingh
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.Palmurugan

COMMON ORDER

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.20 of 2012 and after completing the investigation, has filed a charge sheet in C.C.No.92 of 2013 before the learned Judicial Magistrate No.1, Madurai, against six accused. Challenging the final report in C.C.No.92 of 2013, Brindha (A-4) and Saravana Tamizhan (A-5) have filed Crl.O.P. (MD)No.19653 of 2013 on the ground that there are no materials as against them. In Crl.O.P.(MD)No.19653 of 2013, notice was ordered to the second respondent on 12.03.2014 and the presence of the petitioners therein before the Trial Court was dispensed with. While so, it appears that Jeya Priya/defacto complainant and all the accused have arrived at a compromise, based on which, A-1, A-2, A-3 and A-6 have filed Crl.O.P.(MD)No.4887 of 2017. It is brought to the notice of this Court that initially, charge sheet was numbered as C.C.No.92 of 2013 when the same was pending on the file of the learned Judicial Magistrate No.1, Madurai. Thereafter, on the constitution of the Judicial Magistrate Mahila Court, Madurai, the case was transferred and re-numbered as C.C.No.204 of 2014.

2. Today, when the matter was taken up for hearing, M/s.N.Vanaja, Sub-Inspector of Police, All Women Police Station, South, Madurai District, is present. The defacto complainant is present and all the accused 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 M/s.N.Vanaja, Sub-Inspector of Police, All Women Police Station, South, Madurai District.

3. Two compromise memos have been filed individually in both the quash petitions. In the joint compromise memo filed in Crl.O.P. (MD)No.19653 of 2013, dated 23.04.2017, it is stated as follows:

"2. The petitioners and the second respondent further submit that during the pendency of the proceedings, at the intervention of the elders, both the parties have sat together, in which an amicable conclusion has been arrived at and as one part of a conclusion, the second respondent has agreed to say no objection for the purpose of quashing the present criminal proceedings.

3. The petitioners as well as the second respondent jointly submit that such compromise has been taken place purely with an intention to settle peace among them and it is purely voluntary by the parties concerned. Hence in order to avoid further ordeal of



further proceedings, they are prepared to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into consideration of the said aspect with regard to the compromise and in the interest of the parties, can leniently look into the present issue, as such the prayer sought for by the petitioners can be allowed. This Hon'ble Court and the Hon'ble Apex Court has repeatedly held that no useful purpose will be served in further proceedings with the case when the case has been settled between the parties."

4. In view of the above, 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 entire proceedings in C.C.No.204 of 2014 on the file of Additional Mahila Court, Madurai, in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memos filed in both the quash petitions shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

5. At the instance of the learned counsel for the petitioners in both the petitions, the petitioners in both the petitions themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

6. Accepting the submission, the petitioners in both the petitions 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 Court, Madurai.

Sd/-

ASSISTANT REGISTRAR(CS-I)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The Additional Mahila Court,
Madurai.
- 2.The Inspector of Police,
All Women Police Station (South),
Madurai City,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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

COPY TO:



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

SML

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Common Order made in
CRL.O.P. (MD) Nos.4887 of 2017 and 19653 of 2013
Dated: 24.04.2017