



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM

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

Crl.O.P.(MD) No.4897 of 2017

WEB COPY

1.Eswara Moorthi

2.Pathiram

: Petitioners/Accused Nos.1 and 2

-vs-

1.State of Tamil Nadu

The Sub Inspector of Police,
Thattapparai Police Station,
Thattaparai,
Thoothukudi District.

:1st Respondent/Complainant

2.Packiyampillai

:2nd Respondent/De-facto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the entire records in Charge Sheet in C.C.No.57 of 2016 on the file of the Judicial Magistrate No.I, Tuticorin and quash the same.

For Petitioners

: Mr. V.Malaiyendran

For Respondents

: Mr.K.Anbarasan

Government Advocate (Crl.side)

ORDER

On the complaint lodged by one Packiyampillai / 2nd respondent, the first respondent police registered a case in Crime No.139 of 2015 for offences under Sections 294(b), 323 and 506(ii) of the Indian Penal Code against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the Charge Sheet against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, The Sub Inspector of Police, Thattapparai Police Station, Thattaparai, Thoothukudi District is present in Court. The defacto complainant is present and the accused are also present. 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, Thattapparai Police Station, Thattaparai, Thoothukudi District.

3.While filing the quash application, the petitioner has inadvertently stated the case in C.C.No.138 of 2015 instead of C.C.No.57 of 2016 and they are permitted to make necessary amendment in the open Court in the bundle.



4. The petitioners and the second respondent have filed an affidavit along with a joint compromise memo dated 19.04.2017, in which, it has been stated as follows:

"3. The petitioners as well as the 2nd Respondent jointly submits that such compromise has been taken place purely with an intention to settle his among them and it is purely voluntary by the parties concerned. Hence, in order to avoid further investigation, they are preferred to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into consideration of the above said aspects with regard to the compromise and in the interest of the parties, can leniently look into the present issue, as such the prior sought for by the petitioner can be allowed.

It is therefore prayed that the petitioner as well as the 3rd respondent jointly pray that this Hon'ble Court may be pleased to take into consideration of the present Joint Compromise Memo and quash the case in Charge Sheet in C.C.No.57 of 2016 on the file of the Judicial Magistrate No.I, Tuticorin and thus render Justice."

5. In view of the affidavit dated 19.04.2017, 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 Charge sheet in C.C.No.57 of 2016 pending on the file of the learned Judicial Magistrate No.I, Tuticorin, in respect of all the accused are hereby quashed. The affidavit along with a compromise memo dated 19.04.2017 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.

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 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)



To:

1.The Sub Inspector of Police,
Thattapparai Police Station,
Thattaparai,
Thoothukudi District.

2.The Judicial Magistrate No.I,
Tuticorin.

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

+1cc to M/S.V.Malaiyendran, Advocate SR.No.54227

Order made in
Crl.O.P.(MD) No.4897 of 2017
Dated: 24.04.2017

JM/MMS/08.05.2017/3P/5C