



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **26.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY CRL.O.P. (MD) Nos. 4963, 4555, 5039, 4401 of 2017

1.K.N.Nehru
2.M.Anbalagan : Petitioners/Accused Nos.1 & 5 in
CRL.OP.(MD).No.4963 of 2017
3.G.Renganathan
4.G.Mani : Petitioners/Accused Nos.3 & 4 in
CRL.OP.(MD).No.4555 of 2017
5.A.Swaminathan : Petitioner/Accused No.6 in
CRL.OP.(MD).No.5039 of 2017
6.R.Gurusankara Narayanan
7.Valamangai Nachiyar
8.R.Subbulakshmi
9.SankariDevi
10.Renganayaki : Petitioners / Accused No.7 to 11 in
CRL.OP.(MD).No.4401 of 2017
-Vs-

1.State, represented by
Assistant Commissioner of Police,
ALGSC (CCB),
Trichy City,
(Crime No.21/2011) : 1st Respondent/ Complainant

Inspector of Police,
CCB(Trichy),
Trichy City : 1st Respondent/ Complainant
in Crl.OP(MD) No.4401/2017

2.K.Kathirvel : 2nd Respondent / Defacto Complainant
in all the petitions

Common Prayer: Petitions are filed under Section 482 of the Criminal Procedure Code to call for the entire records and quash the entire proceedings in Crime No. 21 of 2011 on the file of the Assistant Commissioner of Police, ALGSC (CCB), Trichy City, against the petitioners.

For Petitioners Nos. 1 & 2 : Mr.T.A.Omprakash
For Petitioners Nos. 3 & 4 : Mr.D.Selvaraj
For Petitioner No.5 : Mr.M.Siddharthan
For Petitioners Nos. 6 to 10: Mr.T.Senthil Kumar
For R1 : Mr.A.P.Balasubramani
(Government Advocate Crl. Side)
: Mr.M.Arumugam

**ORDER**

On the complaint lodged by one Kathirvel, the first respondent police has registered a case in Crime No.21 of 2011, on 03.08.2011 for the offences under Sections 147, 148, 447, 452, 427, 294(b), 506(ii), 120(b), 34 IPC r/w Section 3 of PPD Act against the petitioners herein, for quashing which, these petitions have been filed by the accused on the ground that they have arrived at a compromise.

2.Earlier in Crl.O.P.(MD)Nos.4401 & 4555 of 2017, this Court had referred the parties to the Mediation Centre, where they seem to have arrived at amicable settlement and they have entered into memo of compromise, dated 18.04.2017 under which, the defacto complainant has agreed to withdraw the complaint. The Terms of memo are under:-

"1.With regard to the developments made by the plaintiff/K.Kathirvel in O.S.No.119 of 2010 in the suit property and towards the cost involved in the conduct of the litigation and complaints the intending purchaser and defendants 1 to 7 had agreed to compensate him with regrets towards the incidents that had taken place. And based on that the defendants 1 to 7 had settled a lump sum amount to the plaintiff and he had received it outside the court and the plaintiff had issued a separate receipt for that.

2.In view of compensation paid to the plaintiff/K.Kathirvel for the alleged loss suffered by him, the plaintiff had agreed to cancel all the rights that has accrued to him vide the MOU dated 23.11.2005 and had agreed to cancel the same and had understand that the MOU dated 23.11.2005 had become redundant.

3.The defendants 1 to 6 in O.S.No.119 of 2010 on the file of Principal District Judge, Tiruchirappalli had agreed to settle the outstanding payable to the 8th defendant on their own and neither the plaintiff nor the 7th defendant had nothing to do with that.

4.The plaintiff/K.Kathirvel shall not and will not indulge in any litigation in future with defendant 1 to 7 in respect of suit property in any manner whatsoever and he has no continuity over anything whatsoever in respect of schedule property and has agreed to withdraw the suit in O.S.No.119 of 2010 on the file of District Judge, Tiruchirapalli before this Mediation Centre in the above



5. Since the plaintiff has agreed to settle the dispute before this mediation centre as settled out of court this memo may be recorded the Court Fee paid by the plaintiff may be refunded by way of suitable orders passed by this Hon'ble Court.

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6. In view of all financial transaction are settled between the parties by the well wishers and elders of the family members, the defacto complainant/K.Kathirvel agreed to quash the entire proceedings in Crime No.21 of 2011 on the file of 1st Respondent in CrI.O.P(MD)No.4401 and 4555 of 2017 for the alleged offence u/s.147, 148, 447, 452, 427, 294(b), 506(ii), 120(b), 34 IPC r/w 3 of PPD Act against all the petitioners in CrI.O.P(MD)No.4401 and 4555 of 2017 who are arrayed as Accused Nos.3,4,7 to 11.

In view of compromise, all the issues both financially as well as litigations, defacto complainant/K.Kathirvel agreed for no objection to quash or drop the proceedings against other accused in Crime No.21 of 2011 namely 1) K.N.Nehru 2) Anbalagan 3) Swaminathan. Further the defacto complainant/ K.Kathirvel not interest to prosecute the case against them."

3. It is represented that K.N.Ramajeyam(A2) had died and Valamangai Nachiyar (A8) is physically indisposed on account of ill health and therefore, she could not appear before this Court. It is also represented that Sankaridevi(A10) is abroad and on behalf of her, her husband Mr.Sankaran is present.

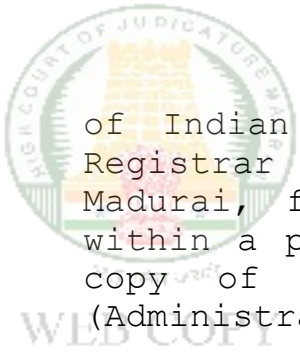
4. Mr.P.Raja, Assistant Commissioner of Police, Trichy City is present. The defacto complainant and except A2 and A8, all the accused are present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.P.Raja, Assistant Commissioner of Police, Trichy City.

5. 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 Crime No.21 of 2011 on the file of the first respondent police in respect of all the accused including those who are not before this Court are hereby quashed. The Terms of memo shall form part of the 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 Seemai Karuvelam Trees.

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

7. Accepting the submission, the petitioners are directed to pay a sum of Rs.1000/- (Rupees Thousand 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

/True copy/

Sub Assistant Registrar

To

- 1.The Assistant Commissioner of Police,
ALGSC (CCB),
Trichy City.
 - 2.The Inspector of Police,
CCB(Trichy),
Trichy City .
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 4.The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.T.SENTHILKUMAR, Advocate, SR No. 54365
AM/TSG
PSM/MR/SAR3/11.05.2017/4P/6C

Order made in

CRL.O.P. (MD) No.4963, 4555,

5039, 4401 of 2017

Dated: 26.04.2017