



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

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

Crl.O.P.(MD) No.5054 of 2017

1.Suresh
2.Asirvatham
3.Ganesan : Petitioners/Accused Nos.1 to 3

-vs-

1.State rep by
The Inspector of Police,
Eral Police Station,
Thoothukudi District.
(Crime No.57/2017) :Respondent / Complainant

2.Veerabagu Moorthy :Respondent/De-facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records relating to FIR in Crime No.57 of 2017 dated 13.03.2017 on the file of the Inspector of Police, Eral Police Station, Thoothukudi District and quash the same as against the petitioners.

For Petitioners :Mr.S.Deenadhayalan
For Respondent No.1 :Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by one Veerabagu Moorthy / 2nd respondent, the first respondent police registered a case in Crime No.57 of 2017 for offences under Sections 341, 294(b), 324 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 FIR against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.M.Harikaran, The Inspector of Police, Sipcot, 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 <https://hcservices.com/tel/inservices/> the identity of the parties by the learned Government Advocate (Criminal side) through Mr.M.Harikaran, The Inspector of Police, Sipcot, Thoothukudi District.



3.The learned Government Advocate (Crl.side) submitted that it is a case and counter case.

4. The petitioners and the second respondent have filed a joint compromise memo dated 20.04.2017, in which, it has been stated as follows:

"2.It is submitted that the petitioners and the de-facto complainant belongs to neighboring village. Further, to avoid unpleasant situation, the petitioners and the de-facto complainant, by considering the welfare of both the parties and at the intervention of family members, they had amicably resolved their disputes. Further, the de-facto complainant agreed to withdraw the case as against the petitioners. It is pertinent to mention that the de-facto complainant voluntarily arrived consensus for withdrawal of the said case and they have assured that no undue influence or coercion had taken place at the instance of the petitioners."

5. In view of the compromise memo dated 20.04.2017, 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 FIR in Crime No.57 of 2017 pending on the file of the respondent police in respect of all the accused are hereby quashed. The compromise memo dated 20.04.2017 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(RTI)

/True Copy/



To:

(*) COMPROMISE MEMO XEROX COPIES ARE ENCLOSED HEREWITH

- 1.The Inspector of Police,
Eral Police Station,
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.

+One cc to Mr.S.Deenadhayalan, Advocate, SR.No.53701

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RL/5C/3P/MR/SAR3/10.5.2017

Order made in
Crl.O.P.(MD) No.5054 of 2017

Dated:24.04.2017