



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Cr1.O.P.(MD)Nos.5071 & 5072 of 2017Cr1.O.P(MD)No.5071 of 2017

Immanuel Binper

: Petitioner/Accused No.1

-Vs-

State rep. By

1.The Inspector of Police,
Central Police Station,
Tuticorin,
Tuticorin District.
In Cr.No.5 of 2017.

2.Mohammed Faizel

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the Crime No.5 of 2017, on the file of the respondent police and quash the same.

For Petitioner : Mr.N.Mariappan

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Cr1.side)

For Respondent No.2 : Mr.S.Senthil Sankara Natha Kumar

Cr1.O.P(MD)No.5072 of 2017

1.Mohammed Faizel

2.Kathar Mohaideen

:Petitioner/Accused Nos.1 & 2

-Vs-

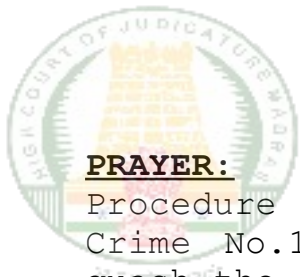
State rep. By

1.The Inspector of Police,
Central Police Station,
Tuticorin,
Tuticorin District.
In Cr.No.10 of 2017.

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

2.Immanuel Binper

: Respondents



PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the Crime No.10 of 2017, on the file of the respondent police and quash the same.

WEB COPY

For Petitioners : Mr.S.Senthil Sankara Natha Kumar
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.N.Mariappan

COMMON O R D E R

On the complaint given by Mohammed Faizel, the first respondent has registered a case in Crime No.5 of 2017, on 04.01.2017 for the offences under Sections 294(b), 323 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act against Immanuvel and two others, for quashing which, Crl.O.P.(MD)No.5071 of 2017 is filed on the ground that the parties are arrived at a compromise.

2.On the complaint lodged by Immanuel Binper, the first respondent has registered a case in Crime No.10 of 2017, on 06.01.2017 for the offences under Sections 294(b), 323 and 506(2) of IPC against Mohamed Faizel and Kathar Mohaideen, for quashing which Crl.O.P.No.5072 of 2017 is filed on the ground that the parties are arrived at a compromise.

3. Today, when the matters were taken up for hearing, Mr.R.P.Ganesan, Special Sub-Inspector of Police, Central Police Station, Thoothukudi is present. The *defacto* complainant in both cases are present and the accused in both cases 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.R.P.Ganesan, Special Sub-Inspector of Police, Central Police Station, Thoothukudi.

4. Mohammed Faizel, the Defacto complainant in Cr.No.5 of 2017 has filed the consent affidavit dated 12.04.2017, wherein, it is stated as follows:

"3.I submit that during the pendency of criminal case a compromise was reached between me and the petitioner herein in the presence of Mediators, who are all well-wishers of our families on 12.04.2017. In the light of above compromise, I have been decided to resolved the above said issues and I have not proceed with the criminal case further and either against the petitioner herein.



4.I submit that, in view of above compromise myself and the petitioner herein have decided not to interfere with personal life or each other with any issue claim with regard to in this criminal case also. I had given undertakes not interested to proceed with the criminal case hereafter at any point of time against the petitioner herein.

5.It is therefore prayed that this Hon'ble Court may be pleased to quash the Crime No.5 of 2017 on the file of Inspector of Police, Central Police Station, Tuticorin, Tuticorin District in pursuant to memorandum of compromise dated 12.04.2017 and pass such further or other orders as this Hon'ble Court may deem fit proper in the circumstances of the case and thus render justice."

5. Immanuel Binper, the Defacto complainant in Cr.No.10 of 2017 has filed the consent affidavit dated 12.04.2017, wherein, it is stated as follows:

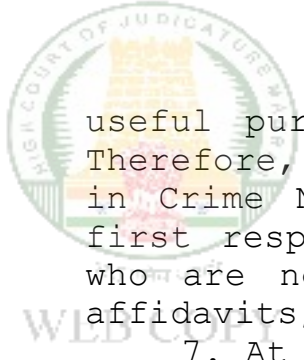
"2.I submit that I am the de-facto complainant in the above criminal case. On 06.01.2017, I gave a complaint to the 1st respondent police against the petitioners herein and the same was registered in Cr.No.10 of 2017 for offences under Sections 294(b), 323 and 506(ii) of I.P.C.

3.I submit that during the pendency of criminal case a compromise was reached between me and the petitioners herein in the presence of Mediators, who are all well-wishers of our families on 12.04.2017. In the light of above compromise, I have been decided to resolved the above said issues and I have not proceed with the criminal case further and either against the petitioners herein.

4.I submit that, in view of above compromise myself and the petitioners herein have decided not to interfere with personal life of each other with any issue claim with regard to in this criminal case also. I have given undertakes not to interested to proceed with the criminal case hereafter at any point of time against the petitioners herein.

It is therefore prayed that this Hon'ble Court may be pleased to quash the Crime No.10 of 2017 on the file of Inspector of Police, Central Police Station, Tuticorin, Tuticorin District in pursuant to memorandum of compromise dated 12.04.2017 and pass such further or other orders as this Hon'ble Court may deem fit proper in the circumstances of the case and thus render justice.

6 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.5 of 2017 and Cr.No.10 of 2017 on the file of the first respondent, in respect of all the accused including those who are not before this Court are hereby quashed. The consent affidavits, dated 12.04.2017 shall form part of this order.

7. 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.

6. Accepting the submission, the petitioners in both 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(RTI)

/True copy/

Sub Assistant Registrar

To

Encl:Xerox Copy of Affidavit

1.The Inspector of Police,
Central Police Station,
Tuticorin,
Tuticorin 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.

Am/tsg

AE/SV/09.05.2017/4P/4C

Order made in
Cr1.O.P. (MD) Nos.5071 & 5072 of 2017

Dated: 25.04.2017