



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.5165 of 2017

Gopurathan : Petitioner/Sole Accused

-Vs-

1.State through the Inspector of Police,
The Inspector of Police,
North Police Station,
Thoothukudi,
Thoothukudi District.

(Crime No.833 of 2015) : 1st Respondent/ Complainant

2.Kopurathan : 2nd Respondent/ De-facto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records relating the case in Cr.No.833 of 2015, on the file of the 1st respondent herein and quash the same.

For Petitioners : Mr.N.Pragalathan
For R1 : Mr..A.P.Balasubramani
Government Advocate (Crl. Side)
For R2 : Mr.K.Muthurakkan

O R D E R

On the complaint lodged by one Kopurathan, the first respondent police has registered a case in Crime No.833 of 2015 under Sections 448, 294(b), 352 and 506(ii) of the Indian Penal Code against the petitioners herein, for quashing which, the petitioner and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

2. Today, when the matter was taken up for hearing, Mr.P.Kaliappan , Special Sub Inspector of Police, North Police Station, Thoothukudi, Thoothukudi District is present. The *defacto* complainant and the petitioner 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.Kaliappan, Special Sub Inspector of Police, North Police Station, Thoothukudi, Thoothukudi District.



3. The petitioners and the second respondent have filed a joint compromise memo dated 22.03.2017, wherein, it is stated as follows:

"1. It is submitted that I am the defacto complainant in Crime No.833 of 2015 which is pending on the file of the 1st respondent police. As such, I am well aware of the facts and circumstances of the case.

2.I submit that I and the petitioner are residing in the same locality and both are known to each other. On 18.12.2015 at about 7.00 p.m., when I was at my house, the petitioner came to my house and abused me by using filthy language and threatened to my life. Moreover, the petitioner had beaten up me by using hand. Hence I gave a complaint before the 1st respondent and the 1st respondent registered a case in Crime No.833 of 2015 for the alleged offence punishable under Section 448, 294(b), 352 and 506(ii) of Indian Penal code.

3.I submit that there is a mutual understanding between us. On occurrence day, the petitioner has no motive or malice intention against me. Now, we amicably settle our problems out of the court. Now the complaint given by me is pending in Crime No.833 of 2015 for the alleged offence punishable under section 448, 294(b), 352 and 506(ii) of Indian Penal Code. As stated supra, the pendency of the Crime No.833 of 2015 is unnecessary and the same has to be quashed in the light of the above circumstances.

4. In view of the above, 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 entire proceedings in Cr.No.833 of 2015 on the file of the first respondent police in respect of the accused is hereby quashed. The joint compromise memo dated 22.03.2017 shall form part of this order.

5. At the instance of the learned counsel for the petitioner, the petitioner himself voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

6. Accepting the submission, the petitioner is directed to pay a sum of Rs.500/- (Rupees Five Hundred only) 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 Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.

2. The Inspector of Police,
North Police Station,
Thoothukudi,
Thoothukudi District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC TO MR.N.PRAGALATHAN, ADVOCATE, SR NO.54274

am/tsg

MAS/JC/SAR4:10.05.2017:3P-5C

Order made in
CRL.O.P.(MD) No.5165 of 2017
Dated: 26.04.2017