



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.7616 of 2016
and Cr1.M.P.(MD) No.3874 of 2016

1.V.Subramanian
2.Valli
3.Vellaidurai
4.Balamurugan

: Petitioners/Accused Nos.1 to 4

-vs-

1.State Rep. by
The Inspector of Police,
Anti Land Grabbing Special Cell (CCB),
Madurai City. : 1st Respondent/Complainant

2.Theresa : 2nd Respondent/Defacto Complainant

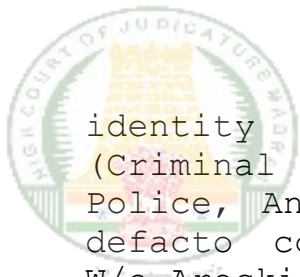
Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records pertaining to the FIR in Crime No.4 of 2016 on the file of the 1st Respondent and quash the same as illegal.

For Petitioner : Mr.K.Seemaraj
For 1st Respondent : Mr.K.Anbarasan
Government Advocate (Cr1.side)
For 2nd Respondent : Mr.R.Banu Prasath

O R D E R

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.4 of 2016 under Sections 447, 465, 468 and 471 of the Indian Penal Code against the petitioners and another, to quash which, both parties are present before this Court on the ground that they have arrived at the compromise.

2.Today, when the matter was taken up for hearing, Mr.K.Anandan, Special Sub-Inspector of Police, Anti Land Grabbing Special Cell (CCB), Madurai City, is present. Both parties are also present before this Court and their identifications were verified by this Court, in addition to the confirmation of the



identity of the parties by the learned Government Advocate (Criminal side) through Mr.K.Anandan, Special Sub-Inspector of Police, Anti Land Grabbing Special Cell (CCB), Madurai City. The defacto complainant is accompanied by her daughter Mrs.Stella W/o.Arockia John Peter.

WEB COPY

3. The petitioners and the second respondent have filed a joint compromise memo dated 16.03.2017, wherein, they have stated as follows:

"2.The petitioners and the 2nd Respondent further submit that during the pendency of the proceedings, at the intervention of the elders, both the parties have sat together, in which an amicable conclusion has been arrived at and as one part of a conclusion, the 2nd Respondent had agreed to say no objection for the purpose of quashing the present criminal proceeding and a Memorandum of Understanding was executed between them on 29.04.2016 and the Petitioner also complied with the terms mentioned in the Memorandum of Understanding.

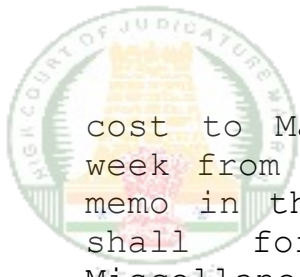
3.The Petitioners as well as the 2nd Respondent jointly submits that such compromise has been taken place purely with an intention to settle all the issues among them and it is purely voluntary by the parties concerned. Hence, in order to avoid further ordeal of trial before the Trial Court, they are 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 prayer sought for by the Petitioner can be allowed."

4.Though A1 to A4 have filed this quash application, F.I.R. has been registered against 5 accused. The defacto complainant and her daughter stated that they have no objection for the F.I.R. being quashed as against Avudaiyammal (A5) also, who is not a petitioner before us. Their submissions are recorded.

5.In view of the joint memo of compromise dated 16.03.2017, and the submissions made by the defacto complainant and her daughter, this Court is of the opinion that no useful purpose would be served in keeping the matter pending.

6.Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties and the entire proceedings in Crime No.4 of 2016, on the file of the

187 Services provided by the court are hereby quashed on condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) each (Totally Rs.500/- x 4 = Rs.2,000/- (Rupees Two Thousand only) as



cost to Mahatma Gandhi Museum, Madurai, within a period of one week from the date of receipt of a copy of this order and file a memo in the Registry. The joint compromise memo dated 16.03.2017 shall form part of this order. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

Encl.: Xerox copy of Compromise Memo

To:

1. The Inspector of Police,
Surandai Police Station,
Tirunelveli District.
2. The Mahatma Gandhi Museum,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.NATESARAJA, ADVOCATE IN SR No. 58901
+ 1 CC TO Mr.K.SEEMARAJ, ADVOCATE IN SR No. 59154

SJ
TE/MMS/SAR-II : 12/06/2017 : 3P/6C

Order made in
Crl.O.P.(MD) No.7616 of 2016
and Crl.M.P.(MD) No.3874 of 2016
07.06.2017