



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Crl.OP. (MD) No.3858 of 2018

- 1.Malaimurugan
- 2.Raja
- 3.Murugakani
- 4.Pandiarajan
- 5.Duraipandi
- 6.Alagarsamy
- 7.Pitchaipandi
- 8.Muniyandi
- 9.Senthoorpandi
- 10.Karuppadurai
- 11.Malairajan
- 12.Rajendran
- 13.Balamurugan
- 14.Malaimurugan
- 15.Ramar

...Petitioners/Accused No.4, 5, 7 to 11,
13, 15, 19, 20, 22, 24 to 26

Vs.

- 1.State represented by
The Inspector of Police,
Elanchembur Police Station,
Ramanathapuram District.

...Respondent/Complainant

- 2.Veeramakali

...Respondent/defacto
complainant

- 3.Gurusamy

... Respondent/Injured

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the impugned proceedings in PRC NO.7/2016 on the file of the learned Judicial Magistrate, Mudukulathur and quash the same against the petitioners/accused Nos.4,5,7 to 11, 13, 15, 19, 20, 22, 24 to 26 herein.

For Petitioners
For 1st Respondent

:Mr.R.Venkateswaran
: Mr.A.Robinson
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in PRC NO.7/2016 on the file of the learned Judicial Magistrate, Mudukulathur, against the petitioners/accused Nos.4,5,7 to 11, 13, 15, 19, 20, 22, 24 to 26.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the first respondent.

3. Today, when the matter is taken up for hearing, he *defacto* complainant is present and the accused are also present before this Court. The identifications of the accused were also verified by this Court.

4. Based on the complaint lodged by the second respondent, a case was registered in Crime No.26 of 2011 for the offences punishable under Sections 147, 148, 294(b), 336 and 307 IPC and 3 (1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, r/w 149 IPC. After filing the charge sheet, the case was taken on the file of the learned Judicial Magistrate, Mudukulathur, in P.R.C.No.7 of 2016, against the 26 accused. The petitioners are accused Nos.4, 5, 7 to 11, 13, 15, 19, 20, 22, 24 to 26.

5. The learned Government Advocate (Crl.side) would submit that both the Petitioners and the de-facto complainant had entered into compromise.

6. It appears that on the advise of the elders and friends, the petitioners and the respondents 2 and 3 in this case have agreed into a compromise. A Joint Compromise Memo, dated 05.03.2018, signed by the both parties, in the presence of their respective counsel, is also filed to that effect. As per the Joint Compromise Memo, the de-facto complainant, namely, the second and the third respondents, have given their consent to quash the entire proceedings in P.R.C.No.7 of 2016 in order to maintain peace.

7. In view of the above, the impugned proceedings quashed insofar as the petitioners/ accused No. 4, 5, 7 to 11, 13, 15, 19, 20, 22, 24 to 26 are concerned, the criminal original petition is allowed and the petitioners are directed to pay the cost of Rs.500/- (Rupees Five Hundred only) each to the Tamil Nadu Mediation and Conciliation Centre, attached to this Bench, under the head of the Infrastructure Fund, within a period of two weeks from the date of receipt of a copy of this order. The Joint Compromise Memo shall form part of the order.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Police Station,
Ramanathapuram District.



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

Copy to:

WEB COPY

The Co-ordinator,
Tamil Nadu Mediation and Conciliation Centre,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.VENKATESWARAN, Advocate, SR.No.60544

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DSS/NS
KK/SV MMS/08.05.2018/SAR-1/3P-5C