



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.4088 of 2018

- 1.Anbumani
- 2.Kubendran
- 3.Sivanandam
- 4.Dinakaran
- 5.Venkatesan

... Petitioners/Accused Nos.1 to 5

Vs.

1. The Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No.1095/2015)

... 1st Respondent / Complainant

2. Siva

... 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the case in S.C.No.35 of 2016 on the file of the learned Principal Sessions Judge, Trichy and to quash the same.

For Petitioners	: Mr.M.Suresh
For R1	: Mr.K.Suyambulinga Bharathi Government Advocate [Crl. Side]
For R2	: Mr.P.Edin Brough

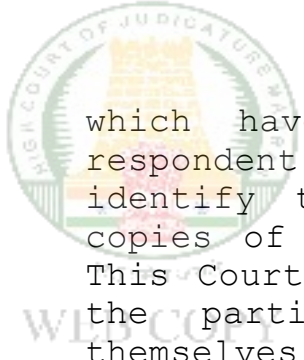
ORDER

This Criminal Original Petition has been filed to quash the case in S.C.No.35 of 2016 on the file of the learned Principal Sessions Judge, Trichy.

2.The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

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

3.A Joint Memo of Compromise has been filed before this Court,



which have been signed by the petitioners and the second respondent and also by their respective counsel. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card, which are made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.It is seen that the final report in this case has been filed for an offence under Section 395 IPC. In view of the same, this Court examined the defacto complainant, who is shown as the second respondent in this petition. The defacto complainant categorically made a statement before this Court that there was a dispute among the parties with regard to quarrying operation and therefore, the complaint was given against the petitioners. The defacto complainant also made it clear that no serious incident had taken place in this case and that the parties have reached compromise and he does not want to pursue with the matter anymore. He also requested this Court to close the case, in view of the amicable settlement reached between the parties.

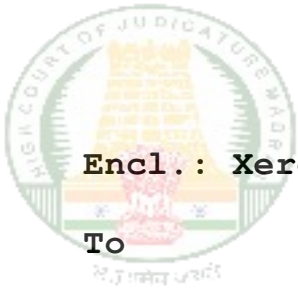
5.Under such circumstances, no useful purpose will be served in keeping the case pending. Even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the case in S.C.No.35 of 2016 on the file of the learned Principal Sessions Judge, Trichy.

6.This Criminal Original Petition stands allowed and as a sequel, case in S.C.No.35 of 2016 on the file of the learned Principal Sessions Judge, Trichy, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. Each of the petitioners shall pay a sum of Rs.500/- as costs, to the credit of the "Environment Fund" (payable in Account No.6656485009, Member Secretary, Tamil Nadu State Legal Services Authority, Chennai), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)



Encl.: Xerox copy of Compromise Memo

To

WEB COPY

1. The Principal Sessions Judge, Trichy.
2. The Inspector of Police,
Srirangam Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai.

+ 1 CC TO Mr.M.SURESH, ADVOCATE IN SR No. 92710

MYR

TE/RSK/SAR-4 : 31/10/2018 : 3P/6C

Cr1.O.P.[MD].No.4088 of 2018
25.10.2018