



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR**CRL.O.P. (MD) No.4666 of 2018

WEB COPY

- 1.Nagarajan
- 2.Sathiyamoorthy
- 3.Velu @ Velmurugan
- 4.Sathiyamoorthy
- 5.Murugesan
- 6.Elangovan
- 7.Pathinettampadiyan
- 8.Muthu Thavasi
- 9.Ragavan
- 10.Veerapandi
- 11.Pandiyaraj @ Pandiyarajan
- 12.Jeyaram @ Jeyaraman
- 13.Santhiran
- 14.Vinothkumar
- 15.Subiramaniyan
- 16.Rani
- 17.Valli

: Petitioners / Accused Nos.1 to 17

-Vs-

1. The State represents through by its  
Inspector of Police,  
Elanjambur Police Station,  
Mudukulathur Taluk,  
Ramanathapuram District,  
(In Crime No.25 of 2017.)

...1<sup>st</sup> Respondent/Complainant

2. Ganesan

... 2<sup>nd</sup> Respondent/Defacto  
Complainant

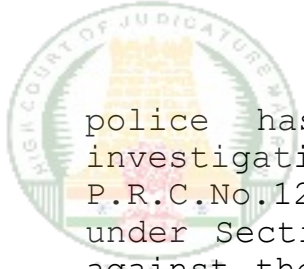
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertains to the proceedings in PRC No.12 of 2018, on the file of the Judicial Magistrate, Mudukulathur and quash the same as illegal and arbitrary.

|                 |                                 |
|-----------------|---------------------------------|
| For Petitioners | : Mr.T.Balakrishnan             |
| For R1          | : Mr.K.Prabhu Ramachandran      |
|                 | Government Advocate (Crl. Side) |
| For R2          | : Mr.K.Mangalanathan            |

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**ORDER**

On the complaint lodged by one Ganesan, the first respondent



police has registered a case in Cr.No.25 of 2017 and the investigation has been completed and charge sheet has been filed in P.R.C.No.12 of 2018 before the Judicial Magistrate, Mudukulathur, under Sections, 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC against the petitioners herein, for quashing which, the petitioners and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

2. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. side) and the learned counsel for the 2<sup>nd</sup> respondent.

3. Today, when the matter was taken up for hearing, Inspector of Police, Elanjambur Police Station, Mudukulathur Taluk is present. The defacto complainant and the petitioners 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 Inspector of Police, Elanjambur Police Station, Mudukulathur Taluk.

4. Under normal circumstances, an offence under Section 307 IPC would not be quashed. However, in Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466], the Hon'ble Supreme Court has stated that the prosecution under Section 307 IPC can be quashed, if certain conditions exists.

5. The petitioners and the second respondent have filed a joint compromise memo dated 13.03.2018, wherein, it is stated as follows:

"1. It is submitted that the case in Crime No.25 of 2017 for the offences under Section 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC was registered against the petitioners by the 1<sup>st</sup> respondent police on the complaint of the 1<sup>st</sup> respondent on 01.05.2017.

2.It is submitted that the 1<sup>st</sup> respondent police file positive final report in the above case and the same was taken cognizance in PRC No.12 of 2018 by the Learned Judicial magistrate No.I, Mudukulathur.

3.It is submitted that all the accused are relatives of the 2<sup>nd</sup> respondent. It is submitted that due to the alleged civic body election dispute both the petitioners and the respondent family had having little difference, its slowly growing of the recent past occurrence is said to have took place. On the advice of the elders and well wishers of the petitioner village the petitioners and the 2<sup>nd</sup> respondent buried their differences and intent to settled the matter amicably.

4.It is submitted that the 2<sup>nd</sup> respondent that he has no objection to quash the proceedings pending against the petitioner in P.R.C.No.12 of 2018 on the file of the learned Judicial Magistrate, Mudukulathur.



Therefore, it is prayed that this Hon'ble Court may be pleased to accept the compromise entered between the parties in P.R.C.No.12 of 2018 on the file of the learned Magistrate Mudukulathur and quash the proceedings and thus render justice. "

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6. 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 P.R.C.No.12 of 2018, on the file of the Judicial Magistrate, Mudukulathur, in respect of petitioners/accused Nos.1 to 17, is hereby quashed. The joint compromise memo dated 13.03.2018 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 to the Mediation and Conciliation Centre attached to this Bench.

8. Accepting the submission, the petitioners are directed to pay a sum of Rs.1000/- (Rupees Thousand only), each to the Mediation and Conciliation Centre attached to this Bench, under the head of Infrastructure Funds, 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-III)

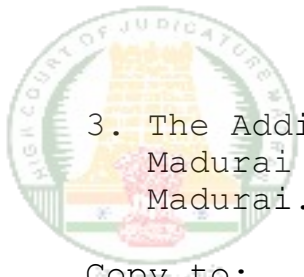
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Sub Assistant Registrar

Encl: Xerox Copy Of Joint Compromise Memo.

To

1. The Judicial Magistrate,  
Mudukulathur.
2. The Inspector of Police,  
Elanjambur Police Station,  
Mudukulathur Taluk,  
Ramanathapuram District,



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

Copy to:

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1. The Registrar (Administration),  
Madurai Bench Of Madras High Court,  
Madurai.
2. The Officer Incharge,  
Mediation and Conciliation Centre  
Madurai Bench Of Madras High Court,  
Madurai.

+1CC to Mr.T.Balakrishnan, Advocate in SR.No.61137.

AM

DS/KKR/SAR-1 :09.05.2018: 4P/7C

Order made in  
CRL.O.P.(MD) No.4666 of 2018  
Dated: 11.04.2018