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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)Nos.5278 and 5279 of 2018

Cr1.O.P(MD)No.5278 of 2018

- 1.Noorul Aman
- 2.Asarudeen @ Mohammed Asarudeen
- 3.Mohamathu Ali Jinna
- 4.Abdul Malik
- 5.Akram Javith
- 6.Sulthan Ibrahim
- 7.Seeni Mohammed

@ Seeni Abdul Rahman

... Petitioners/

A1,A3,A4,A5,A8,A10 & A11

-Vs-

The State by

- 1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.129 of 2013)

...1st Respondent/Complainant

- 2.Kadar Hussain

...2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the above First Information Report in Crime No.129/2013 on the file of the first respondent herein and quash the same.

For Petitioners : Mr.S.Sathya Chidambaram

For R1 : Mr.A.Robinson,
Government Advocate (Cr1. Side)

For R2 : Mr.B.Santhanam Rajeshkumar

Cr1.O.P(MD)No.5279 of 2018

- 1.Kader Hussain
- 2.Allah Pichai
- 3.Muzammil

<https://hds.cbacloud.gov.in/mse/cds/>

... Petitioners A1,A2,A4 and A5

-Vs-



The State by

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

(Crime No.130 of 2013)

...1st Respondent/Complainant

2.Noorul Aman

...2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the above First Information Report in Crime No.130/2013 on the file of the first respondent herein and quash the same.

For Petitioners

: Mr.B.Santhanam Rajeshkumar

For R1

: Mr.A.Robinson,

Government Advocate (Crl. Side)

For R2

: Mr.S.Sathya Chidambaram

C O M M O N O R D E R

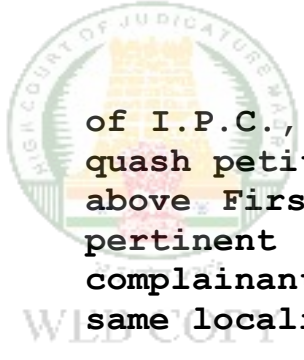
On the complaint given by one Kader Hussain, the first respondent has registered a case in Crime No.129 of 2013, on 03.08.2013 for the offences under Sections 147, 148, 294(b), 324, 323 and 506(ii) of IPC Act against Noorul Aman and others, for quashing which, in Crl.O.P.(MD)No.5278 of 2018 on the ground that the parties are arrived at a compromise.

2.On the complaint lodged by one Noorul Aman, the first respondent has registered a case in Crime No.130 of 2013, on 03.08.2013 for the offences under Sections 147, 148, 294(b), 324, 323, 506(ii) of IPC and Section 3 of PPDL Act, for quashing which in Crl.O.P.No.5279 of 2018 on the ground that the parties are arrived at a compromise.

3. Today, when the matters were taken up for hearing, the *defacto* complainant in both cases are present and the accused in both cases are present and their identifications were also verified by this Court.

4. Kader Hussain, the Defacto complainant in Cr.No.129 of 2013 has filed the Joint Compromise Memo, dated 23.03.2018, wherein, it is stated as follows:

"1.It is respectfully submit that the 1st respondent has registered a criminal case as against the petitioners in Crime No.129/2013 on the file of first respondent police herein for alleged offences under Sections 147,148,294(b), 324, 323, 506(ii)



of I.P.C., and in the above said case the petitioners have filed a quash petition in the above CrI.O.P(MD)No. /2018 to quash the above First Information Report in Crime No.129 of 2013. It is pertinent to mention that the petitioners and the defacto complainant are known each other very well and residing in the same locality.

2.It is further submitted that the above said criminal case pertains to a dispute between the parties on a very minor issue and the same was filed on flimsy grounds.

3.It is submitted that after filing of the above quash petition as stated above, the well wishers of both the families and family elders advised both the parties that in the interest of maintaining peace and harmony in the locality and also in the interest future of the parties, both parties have compromised themselves. Hence, it is just and necessary to file this compromise memo before this Hon'ble Court and record the same and dispose of the above CrI.O.P(MD) of 2018.

It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise arrived between the petitioner and the defacto complainant amicably and prays this Hon'ble Court to quash the first information report in Crime No.129 of 2013 on the file of the first respondent police and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

5. Noorul Aman, the Defacto complainant in Cr.No.130 of 2013 has filed the Joint Compromise Memo, wherein, it is stated as follows:

"2.It is respectfully submit that the 1st respondent has registered a criminal case as against the petitioners in Crime No.130/2013 on the file of first respondent police herein for alleged offences under Sections 174, 148, 294(b), 324, 323, 506 (ii) of IPC and Section 3 of the TNPPDL Act in the above said case the petitioners have filed a quash petition in the above CrI.O.P (MD)No. Of to quash the above First Information Report in Crime No.130/2013. It is pertinent to mention that the petitioners and the defacto complainant are known each other very well and residing in the same locality.

2.It is further submitted that the above said criminal case pertains to a dispute between the parties on a very minor issue and the same was filed on flimsy grounds.

3.It is submitted that after filing of the above quash petition as stated above, the well wishers of both the families and family elders advised both the parties that in the interest of

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maintaining peace and harmony in the locality and also in the interest future of the parties, both parties have compromised themselves. Hence it is just and necessary to file this compromise memo before this Hon'ble Court and record the same and dispose of the above CrI.O.PMD)No. Of 2018.

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It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise arrived between the petitioner and the defacto complainant amicably and prays this Hon'ble Court to quash the first information report in Crime No.130/2013 on the file of the first respondent police and pass such other orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case and thus render justice."

6 In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, these petitions are allowed and the entire proceedings in Crime No.129 of 2013 and Cr.No.130 of 2013 on the file of the first respondent, in respect of the petitioners/accused Nos.1,3,4,5,8,10 & 11 in CrI.O.P.No.5278 of 2018 and petitioners/Accused Nos.1,2,4 & 5 in CrI.O.P(MD)No.5279 of 2018 alone, are hereby quashed. The Joint Compromise Memo, shall form part of this order.

7. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to the Mediation and Conciliation Centre attached to this Bench.

8. Accepting the submission, the petitioners in both petitions are directed to pay a sum of Rs.500/- (Rupees Five Hundred 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-II)

/True copy/

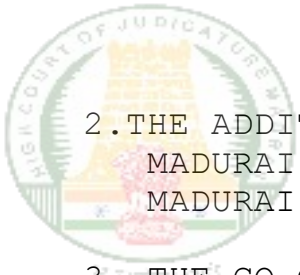
Sub Assistant Registrar

am

To

Encl: Joint Compromise Xerox Copy herewith enclosed:

1.THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAJAPETTINAM DISTRICT.



2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3. THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

Copy to:

The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR.S.SATHYA CHIDAMBARAM, Advocate Sr.No.59917

Order made in
CRL.O.P. (MD) Nos.5278 & 5279 of 2018
Dated: 05.04.2018

SMA/VR/SAR-3/04.06.2018:5P/6C