



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.5323 of 2018

Mohanraj .. Petitioner/Accused No.2

vs.

1.State rep.by

The Inspector of Police,
Thottiyam Police Station,
Trichy District.

Crime No.331 of 2017

.. Ist Respondent/Complainant

2.Gnanasekaran

.. 2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the case in C.C.No. 2 of 2018 pending on the file of the learned Judicial Magistrate, Musiri, Trichy District and quash the same in so far as the petitioner/Accused No.2 concerned.

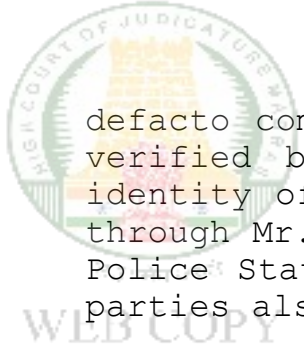
For Petitioners	:	Mr.G.Mathavan
For R1	:	Mr.K.K.Ramakrishnan
		Additional Public Prosecutor
For R2	:	Mr.A.Joel Paul Antony.

O R D E R

This petition has been filed seeking to quash the case in C.C.No.2 of 2018 pending on the file of the Judicial Magistrate, Musiri, Trichy District in so far as the petitioner/A2 is concerned.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.331 of 2017 for the offence punishable under Sections 67 and 67-A of the Information Technology Act, 2000 against the petitioner/A2 herein. After completing investigation, the first respondent has filed charge sheet before the Judicial Magistrate Court, Musiri, Trichy District and the same has been taken on file in C.C.No.2 of 2018 and for quashing the same, the petitioner and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

3.Today, when the matter was taken up for hearing, <https://hcservices.ecourts.gov.in/hcservices/> Mr.Jayakumar, the Special Sub Inspector of Police, Thottiyam Police Station, Trichy District is present. The the petitioners and the



defacto complainant 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 Additional Public Prosecutor through Mr. Jayakumar, the Special Sub Inspector of Police, Thottiyam Police Station, Trichy District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

4. The petitioner/A2 and the second respondent/defacto complainant have a joint memo of compromise on 12.04.2018, along with the present quash petition, wherein, it is stated as follows:

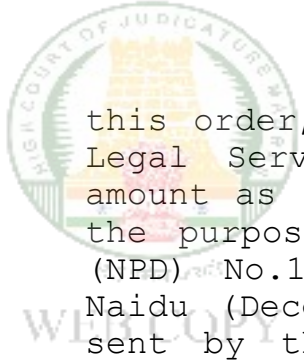
"4. The petitioner as well as the 2nd respondent arrived at compromise and amicably settled the issue with the help of family elders and relatives. The 1st respondent police wrongly included the petitioner's name in the charge sheet. The petitioner's name was not mentioned in the FIR and also the 2nd respondent not allegation against the petitioner in the FIR and the other representations. The present compromise joint memo is only binding upon the petitioner herein and 2nd respondent/defacto complainant. The compromise memo will not bind the other accused namely A1 and A3 i.e. since there are allegations against the other accused and no compromise reached against the other accused.

5. Both parties have compromised in the matter out of Court and the charge sheet in C.C.No.2 of 2017 pending on the file of the Judicial Magistrate, Musiri, Trichy District has to be quashed in view of the same."

5. Considering the nature of allegations and also considering the fact that the dispute between the parties has been settled amicably and the second respondent/defacto complainant has no objection to quash the proceedings in C.C.No.2 of 2018 and to that effect a joint memo of compromise has also been filed on 12.04.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.2 of 2017 on the file of the Judicial Magistrate, Musiri, Trichy District in respect of the petitioner/A2 are hereby quashed.

6. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 12.04.2018 shall form part of this order.

7. In this case, the learned counsel appearing for the petitioner submitted that the petitioner is willing to contribute some amount to the District Legal Services Authority, Tiruppur under the Head "Environmental Fund" to preserve the environment. Hence, the petitioner is directed to remit a sum of Rs.3,000/- as costs within a period of two weeks from the date of receipt of a copy of



this order, by way of Demand Draft drawn in favour of the District Legal Services Authority, Tiruppur, who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by this Court in CRP (NPD) No.1643 of 2010 on 20.06.2018 [D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others]. A report in this regard shall be sent by the District Legal Services Authority, Tiruppur to the Member Secretary, Tamil Nadu State Legal Services Authority, Chennai, mentioning clearly the amounts spent towards the purposes mentioned in the above order and the balance amount left etc.,

Sd/-

Assistant Registrar (Cr1.Side)

/True Copy/

Sub Assistant Registrar (CS-III)

Encl:- Xerox Copy of Compromise Memo
attained with this order.

To

- 1.The Judicial Magistrate, Musiri,
Trichy District.
- 2.The Inspector of Police,
Thottiyam Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

- 1.The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai.
- 2.The District Legal Services Authority,
Tiruppur.

+1CC to Mr.A.Joel Paul Antony Advocate in sr.no.76859.

MJ

DS/SKN/SAR-3 :20.08.2018: 3P/7C

Cr1.O.P. (MD) No.5323 of 2018
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