



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.11738 of 2018

1.Mohan
2.Naveen @ Naveenkumar
3.Raj
4.Beski @ Rosario Beski .. Petitioners

vs.

1. State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.216 of 2018.

2.Ratheesh @ Ratheeshkumar .. Respondents

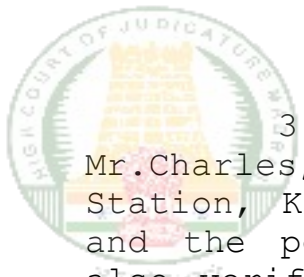
Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to FIR in Crime No.216 of 2018 dated 13.05.2018, on the file of the Inspector of Police, Eraniel Police Station, Kanyakumari district and quash the same as against the petitioners.

For Petitioners	:	Mr.S.Prasanth
For R1	:	Mr.Prabhu Ramachandran
		Government Advocate (Crl.Side)
For R2	:	Mr.P.Saravanakumar

ORDER

This petition has been filed seeking to quash the First Information Report registered in Crime No.216 of 2018 dated 13.05.2018, on the file of the Inspector of Police, Eraniel Police Station, Kanyakumari District.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.216 of 2018 for the offence under Sections 294 (b), 323 and 506 (ii) IPC against the petitioners/accused Nos.1 to 4 and in order to quash the same, the petitioners are before this Court by filing the present petition, on the ground that both the parties have arrived at a compromise.



3.Today, when the matter was taken up for hearing, Mr.Charles, the Special Sub Inspector of Police, Eraniel Police Station, Kanyakumari District 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 Mr.Charles, the Special Sub Inspector of Police, Eraniel Police Station, Kanyakumari District is present. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the case in Crime No.216 of 2018 is under investigation.

5.The learned counsel appearing for the petitioners has filed the present petition along with the joint compromise memo on 02.07.2018, wherein, it is stated as follows:

"3.It is submitted that the petitioner and the defacto complainant are close relatives. Further, to avoid unpleasant situation, the petitioners and the defacto complainant by considering the welfare of both the parties and at the intervention of elders, they had amicably resolved their disputes. Further, the defacto complainant agreed to withdraw the case as against the petitioners. It is pertinent to mention that the defacto complainant voluntarily arrived consensus for withdrawal of the said case and they have assured that no undue influence or coercion had taken place at the instance of the petitioners.

In the above circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to record the settlement arrived in Crime No.216 of 2018 dated 13.05.2018 on the file of the Inspector of Police, Eraniel Police Station, Kanyakumari District and permit the petitioners to compound the case and consequently quash the abovesaid FIR."

6.Considering the nature of allegations and also considering the fact that the second respondent has no objection to quash the case in Crime No.216 of 2018 and to that effect a joint memo of compromise has been filed on 02.07.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in Crime No.216 of 2018 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 4 are hereby

7.Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties.

The joint compromise memo filed on 02.07.2018 shall form part of this order.

8. In this case, the learned counsel appearing for the petitioners submitted that the petitioners are willing to contribute some amount to the District Legal Services Authority, Tiruvallur under the Head "Environmental Fund" to preserve the environment. Hence, each petitioner is directed to remit a sum of Rs.2,000/- (Total sum of Rs.8,000/-) as costs within a period of two weeks from the date of receipt of a copy of this order, by way of an individual/collective **Demand Draft** drawn in favour of the District Legal Services Authority, Tiruvallur, 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, Tiruvallur 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(RTI)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of joint Compromise Memo
To

1. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
3. The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai.
4. The District Legal Services Authority,
Tiruvallur.

+ 1 cc TO Mr.S.Prasanth , Advocate in SR No. 73800

mj

AE/SKN RSK/SAR1/31.07.2018/3P/6C