



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMARCrl.O.P.(MD) No.11497 of 2018

- 1.Issac Wincent
- 2.R.Jyothish @ Jotheesh
- 3.K.sooriya Narayanan
- 4.Mohamad Shinos @ Mohamed Seenos
- 5.Kora Ebram @ Kora Abraham
- 6.Sinmayee Jayakumar @ Chinmaya A.Kumar
- 7.Satchu @ Sachu
- 8.Nithin @ Nithin Stephen
- 9.Vibin Raj @ Bibin Raj
- 10.Arjun @ Arjun R.Dev
- 11.Amal B.Krishnan
- 12.Bovas Reji @ Boaz Reji
- 13.Thavin Wilson @ Devin Wilson
- 14.Ankith Anil
- 15.Jenson Joseph @ Jenson
- 16.Joseph Mathew
- 17.Abishek S.Pillai
- 18.Vishnu @ Vishnukumar
- 19.Arun @ Arun Kuruvilla
- 20.Varunkumar
- 21.Kiran
- 22.Vibin Mohan @ Bibin Mohan
- 23.Nanthu Suresh @ Nandu Suresh
- 24.Aswin
- 25.Arun Sagar
- 26.Vishak S.Nair
- 27.Akhil Govind
- 28.Arun
- 29.Jerin B.George .. Petitioners/Accused 1 to 29

vs.

- 1.State rep.by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Crime No.296 of 2017) .. Respondent /Complainant

- 2.S.Surendhar .. 2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to quash the FIR in Crime No.296 of 2017 on the file of the 1st respondent.



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For Petitioners : Mr.R.Manimaran
For R1 : Mr.Prabhu Ramachandran
Government Advocate (Crl.Side)
For R2 : Mr.M.Selvakumar

O R D E R

This petition has been filed seeking to quash the First Information Report registered in Crime No.296 of 2017 pending on the file of the first respondent.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.296 of 2017 for the offence under Sections 147, 148, ,188, 341, 342, 324, 307, 353 and 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 against the petitioners/accused Nos.1 to 29 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, the concerned Investigating Officer 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 the Investigating Officer. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4.The learned counsel appearing for the petitioners filed this quash petition along with a joint memo of compromise filed on 12.06.2018, wherein, it is stated as follows:

"1.The disputes between the petitioners/2nd respondent herein are resolved amicably. We were entered into compromise and settle the issue amicably.

2.The 2nd respondent herein withdraw the entire allegation made against the petitioners in FIR in Crime No.296 of 2017."

5.Considering the nature of allegations and also considering the fact that the second respondent/defacto complainant has no objection to quash the FIR in Crime No.296 of 2017 and to that effect a joint memo of compromise has also been filed on 12.06.2018, 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.296 of 2017 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 29 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 12.06.2018 shall form part of this order.

7. 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, Tuticorin under the Head "Environmental Fund" to preserve the environment. Hence, each petitioner is directed to remit a sum of Rs.500/- (Total sum of Rs.14,500/-) 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, Tuticorin, 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, Tuticorin 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., It is made clear that the cost directed to be paid by the petitioners will not cause any stigma on them.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-III)

Encl: Xerox Copy of Compromise memo dated 13.02.2018
To

1. The Inspector of Police,
Anjugramam 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,
Tuticorin.

+1cc to Mr.R.Manimaran, Advocate, SR.No.73450.

Crl.O.P.(MD) No.11497 of 2018
16.07.2018