



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.11510 of 2018

Homerlal

.. Petitioner

vs.

1.State rep.by

The Inspector of Police,
Thukalay Police Station,
Kanyakumari District.
Crime No.180 of 2014.

2.Yesuraja

.. Respondents

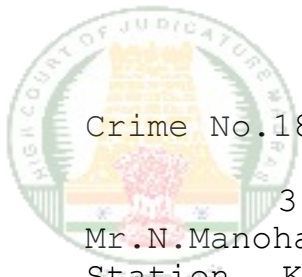
Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to the proceedings in S.C.No.276/2017 on the file of the Principal Sub-ordinate Judge cum Assistant Sessions Judge at Nagercoil and quash the same.

For Petitioner	:	Mr.N.Karthikeyan
For R1	:	Mr.Prabhu Ramachandran
		Government Advocate (Crl.Side)
For R2	:	Mr.A.Balakrishnan

O R D E R

This petition has been filed seeking to quash the charge sheet filed in S.C.No.276 of 2017 pending on the file of the Principal Sub-ordinate Judge cum Assistant Sessions Judge at Nagercoil.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.180 of 2014 for the offence under Sections 294(b), 307 and 506(ii) IPC against the petitioner/sole accused. After completing investigation, the first respondent has filed charge sheet before the Principal Sub-ordinate Judge cum Assistant Sessions Judge at Nagercoil and the same has been taken on file in S.C.No.276 of 2017 and for quashing the same, the petitioner and the *defacto* complainant are before this Court, stating that amicable settlement has been arrived at between the parties and the second respondent has agreed to quash the said proceedings. Further it is stated that a counter complaint has been registered against the second respondent/*defacto* complainant in



Crime No.181 of 2014.

3.Today, when the matter was taken up for hearing, Mr.N.Manoharan, the Special Sub Inspector of Police, Thukalay Police Station, Kanyakumari District is present. The defacto complainant and the petitioner 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.N.Manoharan, the Special Sub Inspector of Police, Thukalay Police Station, Kanyakumari District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4.The learned counsel appearing for the petitioner has filed a joint memo of compromise on 03.07.2018, wherein, it is stated as follows:

"4.It is submitted that Crime No.181/2014 was registered as a counter case to present Crime No.180/2014. In which the petitioner is defacto complainant, the case was registered against the 2nd respondent/defacto complainant due to some money dispute and no one sustained injury in the crime. In these circumstances, both parties amicably settled the issue and consented to close both the cases i.e. Crime No.180 of 2014 (charge sheeted as S.C.No.276 of 2017) and 181/2014.

5.It is submitted that the offence involved in the crime is private in nature and no public interest is involved. Now the petitioner and the defacto complainant entered into the compromise in front of the reputed personalities of locality and elders of family. In view of the above said compromise, the 2nd respondent/defacto complainant is ready to not press or withdraw the above said criminal case and he has no objection if this Hon'ble Court may be pleased to quash the First Information Report."

5.Under normal circumstances, the proceedings pending under Section 307 of the Indian Penal Code should not be mechanically quashed, just because the parties have arrived at a compromise. However, the present case has been registered due to the money dispute between the petitioner and defacto complainant and the defacto complainant has not sustained any grievous injury during occurrence. That apart, trial in S.C.No.276 of 2017 is yet to be commenced.

6.Considering the facts and circumstances of the case, nature of allegations and also considering the fact that the second respondent has no objection to quash the case in S.C.No.276 of 2017 and to that effect a joint memo of compromise has also been filed on 03.07.2018, this Court is of the opinion that no useful purpose



would be served in keeping the matter pending. Therefore, the entire proceedings in S.C.No.276 of 2017 pending on the file of the Principal Sub-ordinate Judge cum Assistant Sessions Judge at Nagercoil in respect of the petitioner/sole accused are hereby quashed.

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 03.07.2018 shall form part of this order.

8. 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, Perambalur under the Head "Environmental Fund" to preserve the environment. Hence, petitioner is directed to remit a sum of Rs.5,000/- 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, Perambalur, 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, Perambalur 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(Writs)

/True copy/

Sub Assistant Registrar (CS-III)

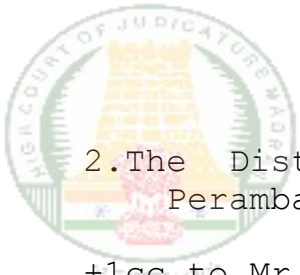
Encl:Xerox Copy of Joint Compromise Memo.

To

- 1.The Principal Sub-ordinate Judge cum Assistant Sessions Judge at Nagercoil.
- 2.The Inspector of Police,
Thukalay Police Station,
Kanyakumari 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 Authorities,
Perambalur.

+1cc to Mr.K.P.Narayanakumar, Advocate, SR.No. 74031

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19.07.2018

MJ
KK/SKN/SAR-2/06.08.2018/4P-7C/