



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.07.2018

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P. (MD) No.11531 of 2018

Sheikh Jamal Ali @ Sheik Jamal

.. Petitioner

vs.

1.The State of Tamil Nadu,
rep.by the Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.
Crime No.13 of 2018.

2.Perumal

.. Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the FIR in Crime No.13 of 2018 on the file of the 1st respondent and quash the same in so far as the Petitioner/Accused No.1 concerned.

For Petitioner	:	Mr.C.K.M.Appaji
For R1	:	Mr.Prabhu Ramachandran Government Advocate (Crl.Side)
For R2	:	Mr.Sankararamasubramanian

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.13 of 2018 dated 14.01.2018 pending on the file of the first respondent police in so far as the petitioner/accused No.1 concerned.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.13 of 2018 for the offence under Sections 341 and 294(b) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 against the petitioner/accused No.1 and in order to quash the same, the petitioner is before this Court by filing the present petition, on the ground that both the parties have arrived at a compromise.

3.At this juncture, the learned Government Advocate (Crl.Side) appearing for the first respondent submitted that investigation in Crime No.13 of 2018 has been completed and charge sheet has been filed before the concerned Court on 02.03.2018, but the same has not been taken on file. Therefore, the relief sought by the petitioner cannot be granted.



4.The learned counsel appearing for the petitioner would submit that the entire dispute between the petitioner and second respondent is settled amicably out of Court and to that effect a memo of compromise has also been filed on 12.07.2018. Therefore, it would suffice if the FIR in Crime No.13 of 2018 is quashed and the final report filed by the respondent police need not be quashed. If any consequence arises in future based on the filing of charge sheet, the parties will take responsible and seek their remedy before the concerned forum. Recording the said submission, this Court is inclined to quash the proceedings in FIR No.13 of 2018.

5.Today, when the matter was taken up for hearing, Mr.Alexander, the Special Sub Inspector of Police, Melapalayam Police Station, Tirunelveli 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.Alexander, the Special Sub Inspector of Police, Melapalayam Police Station, Tirunelveli District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

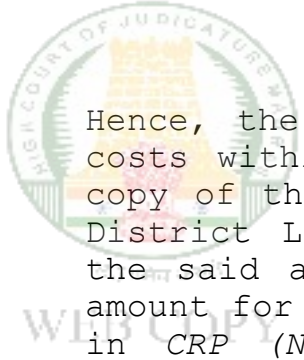
6.The learned counsel appearing for the petitioner filed this quash petition along with a joint memo of compromise filed on 12.07.2018, wherein, it is stated as follows:

"2.It is submitted that the pendency of the FIR in Crime No.13 of 2018 the petitioner and the defacto complainant get compromised the matter without making any allegation each other. Therefore, in the above said above facts and circumstances the petitioner is seeking to quash the crime No.13 of 2018."

7.Considering the nature of allegations made in the complaint and also taking note of the fact that the *defacto* complainant has no objection to quash the case in Crime No.13 of 2018 and to that effect a joint compromise memo has also been filed on 12.07.2018, 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.13 of 2018 pending on the file of the first respondent in respect of the petitioner/accused No.1 are hereby quashed.

8.Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 12.07.2018 shall form part of this order.

9.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, Nagapattinam under the Head "Environmental Fund" to preserve the environment.



Hence, the 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, Nagapattinam 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, Nagapattinam 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(CS III)

To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli 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,
Nagapattinam.
- +1CC TO MR. C.K.M.APPAJI, ADVOCATE SR 73901

Cr1.O.P. (MD) No.11531 of 2018

18.07.2018

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