



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMARCr1.O.P.(MD) No.12670 of 2018

1.Kodeeswaran

2.Kasi @ Kasimayan

3.Silamparasan

.. Petitioners/Accused 1 to 3

vs.

1.State rep.by

The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

Crime No.301 of 2018.

.. 1st Respondent/Complainant

2.Jothi

.. 2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records of the case in Crime No.301 of 2018 on the file of the first respondent police and quash the same.

For Petitioners	:	M/s.S.Vijayashanthi
For R1	:	Mr.K.K.Ramakrishnan
		Additional Public Prosecutor
For R2	:	Mr.R.Sureshkumar

O R D E R

This petition has been filed seeking to quash the case in Crime No.301 of 2018 pending on the file of the first respondent police.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.301 of 2018 for the offence under Sections 286 and 304(A) IPC against the petitioners/accused Nos.1 to 3 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 Investigation Officer of Thirumangalam Town Police Station, Madurai 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 Additional Public Prosecutor



through the concerned Investigation Officer of Thirumangalam Town Police Station, Madurai District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

4.The petitioners and the defacto complainant have a joint memo of compromise filed on 06.07.2018 along with the present quash petition, wherein, it is stated as follows:

"2.The defacto complainant and the petitioners are blood relatives. Due to the advice of the elders of the family members, the petitioners and defacto complainant were entered into compromise on their own volition without any 3rd party intervention they were amicably settled the issue before the family elders. The defacto complainant received Rs.1,00,000/- from the petitioners as compensation before the family elders. Both the parties do not want to proceed with the above said case in Cr.No.301 of 2018.

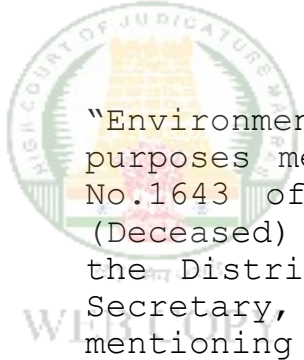
3.In view of the said compromise the 2nd respondent has agreed to withdraw the case in Cr.No.301 of 2018 on the file of the 1st respondent police and she hereby undertakes that she will not claim any damages against the petitioners herein future."

5.The learned Additional Public Prosecutor appearing for the first respondent submitted that investigation in Crime No.301 of 2018 is pending.

6.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 Crime No.301 of 2018 and to that effect a joint memo of compromise has been filed on 06.07.2018, 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.301 of 2018 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 3 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 06.07.2018 shall form part of this order.

8.The learned counsel appearing for the petitioners submitted that the petitioners are willing to contribute some amount to the District Legal Services Authority, Tirunelveli under the Head "Environmental Fund" to preserve the environment. Hence, each petitioner is directed to remit a sum of Rs.1,500/- (Total sum of Rs.4,500/-) 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, Tirunelveli, 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, Tirunelveli 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(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

Enclosure: Xerox Copy of Joint Compromise Memo

To

- 1.The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai 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,
Tirunelveli District.

+1cc to M/S.S.Vijayashanthi, Advocate SR.No. 76527

Crl.O.P.(MD) No.12670 of 2018
01.08.2018

mj
JM/RP/SAR 3/21.08.2018/3P/6C