



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMARCrl.O.P.(MD) No.12964 of 2018 and
Crl.MP(MD) Nos.5866 and 5867 of 2018

- 1.Subbaiah
- 2.P.G.Murugan
- 3.Thirukannan
- 4.Murugan
- 5.P.G.Pandi
- 6.Selvam
- 7.Sombu Kannan
- 8.Palpandi
- 9.Senthurpandi
- 10.Guruvu @ Gurusamy
- 11.Ramamoorthi
- 12.Kalimuthu

.. Petitioners/Accused Nos.1 to 9, 11, 13 & 14

vs.

1. The Inspector of Police,
B4 Keeraithurai Police Station,
(Law & Order)
Madurai District.
Crime No.412 of 2011

... Respondent/Complainant

2. Thangavel

... 2nd Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the Charge sheet in S.C.No.139/2018 on the file of the Chief Judicial Magistrate, Madurai and quash the same as illegal.

For Petitioners	:	Mr.C.Mayilvahana Rajendran
For R1	:	Mr.K.K.Ramakrishnan
		Additional Public Prosecutor
For R2	:	Mr.K.Murugan

ORDER

This petition has been filed seeking to quash the charge sheet filed in S.C.No.139 of 2018 on the file of the Chief Judicial Magistrate, Madurai.



2. On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.412 of 2011 for the offence punishable under Sections 147, 148, 341, 324, 307 and 379 (NP) IPC against the petitioners herein. After completing investigation, the first respondent has filed charge sheet before the Chief Judicial Magistrate, Madurai and the same has been taken on file in S.C.No.139 of 2018 and for quashing the same, the petitioners/accused Nos.1 to 9, 11, 13 and 14 and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

3. Today, when the matter was taken up for hearing, the concerned Investigating Officer of B4 Keeraithurai Police Station, (Law & Order) 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 Investigating Officer of B4 Keeraithurai Police Station, (Law & Order) Madurai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. 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, in the case on hand, the second respondent/*defacto* complainant has not sustained any grievous injury and now both the parties have settled the dispute amicably.

5. The learned Additional Public Prosecutor appearing for the first respondent submitted that trial in S.C.No.139 of 2018 is not yet commenced.

6. The learned counsel appearing for the petitioners filed a joint memo of compromise on 02.08.2018, wherein, it is stated as follows:

"2. The petitioners and the 2nd respondent further submit that during the pendency of the proceeding, at the intervention of the elders, both the parties have sat together, in which an amicable conclusion has been arrived at and as one part of the conclusion, the 2nd respondent has agreed to say no objection for the purpose of quashing the present criminal proceeding.

3. The petitioners as well as the 2nd respondent jointly submits that such compromise has been taken place purely with an intention to settle all the issues among them and it is purely voluntary by the parties concerned. Hence, in order to avoid further ordeal of trial before the trial Court, they are preferred to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into



consideration of the above said aspects with regard to the compromise and in the interest of the parties, can leniently look into the present issue, as such the prayer sought for by the petitioner can be allowed."

7. Considering the nature of allegations and also considering the fact that the injury sustained by the defacto complainant is not grave in nature and both the parties have settled the dispute amicably and the second respondent/defacto complainant has no objection to quash the proceedings in S.C.No.139 of 2018 and to that effect a joint memo of compromise filed on 02.08.2018 has also been filed, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings pending in S.C.No.139 of 2018 on the file of the Chief Judicial Magistrate, Madurai in respect of the petitioners/accused Nos.1 to 9, 11, 13 and 14 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 02.08.2018 shall form part of this order.

9. The learned counsel appearing for the petitioners submitted that the petitioners are willing to contribute some amount to the District Legal Services Authority, Ramanathapuram, 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.24,000/-) 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, Ramanathapuram, 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, Ramanathapuram, 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.,

Consequently, CrI.MP(MD)Nos.5866 and 5867 of 2018 are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar(CS-III)



Encl.: Xerox copy of Compromise Memo

To
WEB COPY

1. The Inspector of Police,
B4 Keeraithurai Police Station,
(Law & Order)
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,
Ramanathapuram.

MJ

TE/JM/RSK/SAR-3 : 12/09/2018 : 4P/5C

Crl.O.P. (MD) No.12964 of 2018
02.08.2018