



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

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WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Cr1.O.P.(MD) No.13623 of 2018

1.Mohammed Ansari
2.Jeylani
3.Rasak

.. Petitioners

vs.

1. State rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.163 of 2018.

2. S.Deenadayalan

.. Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to Cr.No.163 of 2018 dated 08/07/2018 on the file of the Inspector of Police, Pattiveeranpatti Police Station, Dindigul District and quash the same.

For Petitioners	:	Mr.S.Chellapandian
For R1	:	Mr.K.K.Ramakrishnan
		Additional Public Prosecutor
For R2	:	Mr.Fernand

O R D E R

This petition has been filed seeking to quash the case in registered in Crime No.163 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.163 of 2018 for the offence under Sections 294(b), 323 and 506(i) 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. Further, a counter case has been registered against the second respondent/defacto complainant and others in Crime No.164 of 2018.



3.Today, when the matter was taken up for hearing, Mr.Soundarapandian, Special Sub Inspector of Police, Pattiveeranpatti Police Station, Dindigul 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 Mr.Soundarapandian, Special Sub Inspector of Police, Pattiveeranpatti Police Station, Dindigul District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

4.The learned counsel appearing for the petitioners have filed a joint memo of compromise on 23.07.2018 along with the present quash petition, wherein, it is stated as follows:

"4.The petitioners/accused Nos.1 to 3 and the 2nd respondent/defacto complainant jointly submit that such compromise has been taken place purely with an intention to settle among them and it is purely voluntary by the parties concerned. 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.

5.....

It is therefore prayed that the petitioners/accused Nos.1 to 3 and the 2nd respondent/defacto complainant jointly pray that this Hon'ble Court may be pleased to take into consideration of the present joint compromise memo and quash the FIR in Crime No.163 of 2018 on the file of the Inspector of Police, Pattiveeranpatti Police Station, Dindigul District."

5.The learned Additional Public Prosecutor appearing for the first respondent submitted that investigation in Crime No.163 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.163 of 2018 and to that effect a joint memo of compromise has been filed on 23.07.2018, 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.163 of 2018 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 3 are hereby quashed.

<https://hcservices.ecourts.gov.in/hcservices/> Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 23.07.2018 shall form part of this



order.

8. The learned counsel appearing for the petitioners submitted that the petitioners are willing to pay some amount under the head of "Environment Fund". Hence, each petitioner is directed to remit a sum of Rs.2,500/- (Total sum of Rs.7,500/-) in the account, opened in the name of Member Secretary, Tamil Nadu Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order. The said amount shall be collected by the Registry, Madurai Bench of Madras High Court, Madurai, through the Accounts Section and then credited into the Savings Bank Account No.6656485009, Indian Bank, Madras High Court Branch, High Court Buildings, Chennai - 104, [Branch Code - 1632, IFSC Code : IDBI 000M157], maintained by the Member Secretary, Tamil Nadu Legal Services Authority, Chennai. It is needless to say that the said amount shall be used 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]**.

Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar (CS-III)

Encl.: Xerox copy of Compromise Memo

To

1. The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul 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 Section Officer, Accounts Section,
Madurai Bench of Madras High Court,
Madurai.
- + 1 CC TO Mr.S.CHELLAPANDIAN, ADVOCATE IN SR No. 76908

MJ

TE/JM/RSK/SAR-3 : 12/09/2018 : 3P/6C