



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM

WEB COPY

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

Crl.O.P.No.5322 of 2019

- 1.Ramajeyam
- 2.Sivanesh
- 3.Sivaperumal
- 4.Venkatesh
- 5.Sudar Raja

.. Petitioners/Accused Nos.1 to 5
Vs

- 1.The state Rep. By
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(Crime No.88 of 2017)

.. 1st Respondent/Complainant

2. Rajesh Murugan

.. 2nd Respondent/Defacto
Complainant

Prayer:Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crime No.88 of 2017 on the file of the first respondent police and quash the same.

For Petitioners	: Mr.A.Uthayakumar
For R1	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl.Side)
For R2	: Mr.C.Suresh Kannan

O R D E R

The Criminal Original Petition has been filed to quash the Crime No.88 of 2017 on the file of the first respondent police.

2. The second respondent/defacto complainant has lodged a complaint before the Law Enforcing Agency. Thereafter, the Law Enforcing Agency registered a case in Crime No.88 of 2017 for the offences under sections 147, 341, 294(b), 323, 506(i) of IPC. According to the prosecution case is that on 21.03.2017 one Rajesh Murugan, who is the defacto complainant lodged a complaint alleging that the first petitioner created the bogus patta and the same was occupied 13 acres of Emankulam Village lands. Thereafter, the defacto complainant and other village people lodged a complaint against the first petitioner before the Superintendent of police, Tirunelveli prior six months, duo to that motive, the first petitioner was previous enmity to the de-facto complainant, for which, the petitioners attacked the defacto complainant and threatened him with dire consequences. Thereby, the defacto



complainant sustained injury and lodged a complaint against the petitioners before the respondent police.

3. The case is still in the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the second respondent and also by their respective counsel. In order to identify the respective parties they have also produced the copy of the Aadhaar Card which is made part of the record. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police has no objection and Mr.S.Selvanarauanan, Sub-Inspector of Police, Nanguneri Police Station, Tirunelveli District, identified the parties, who appeared before this Court.

6. Under such circumstances, no useful purpose will be served in keeping the investigation pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Crime No.88 of 2017.

7.This Criminal Original Petition stands allowed and as a sequel, the case in Crime No.88 of 2017 on the file of the respondent police is quashed. Each of the petitioner shall pay a sum of Rs.1,000/- as costs, to the credit of the "Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry, Madurai Bench) within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

Dss

ENCL.: JOINT COMPROMISE MEMO.



To

1. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO

The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.A.UTHAYAKUMAR, Advocate Sr. No. 60795

Cr1.O.P.No.5322 of 2019

TR (29.04.2019) 3P 5C