



Crl.O.P.(MD)Nos.11558 and 11563 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

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1. Thavamani
2. Selvam
3. Sasi
4. Muththian @ Muthaian
5. Muthuraja @ Muthuraj
6. Dhanasekar @ Dhanasekaran
7. Arumugam
8. Muthu raja
9. Kumar
10. Seenivasan
11. Pitchakalai
12. Velmurugan
13. Pothuraju
14. Mohan Raj
15. Raj

... Petitioner nos.1 to 12 / Accused No. 1 to 12

... Petitioner nos.13 to 15 / Accused No. 14 to 16



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16. Alagappan

17. Rani

18. Jeeva

19. Murugan

20. Palaniammal @ Palaniyammal

21. Nagavalli ... Petitioner nos.16 to 21 / Accused No. 18 to 23

22. Chinnalagan Petitioner no. 22 / Accused No. 26

23. Chinnalagan wife @ Alagathal

24. Rajendran

25. Pitchaimani @ Pichimani

26. Krishnan

27. Palraj

28. Gurusamy @ Gurusami ... Petitioner nos.23 to 28 / Accused No. 28 to 33

29. Alagappan Petitioner no. 29 / Accused No. 37

Vs.

1. State representation by
The Inspector of Police,
Balamedu Police Station,
Madurai District
(FIR No. 280/2017)

..... 1st Respondent / Complainant

2. Pothirajan

..... 2nd Respondent / de-fact Complainant



Crl.O.P.(MD)Nos.11558 and 11563 of 2023

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No. 280/2017 dated 02.12.2017 for the alleged offences under sections 147, 148, 341, 342, 294(b), 323, 324, 436, 307 of IPC & 3(1) of TN Public Property (Prevention of Damages & Loss) Act, 1992 as against these petitioners.

For Petitioner : M/s.A.Umapathi
For R1 : Mr. B. Nambiselvan
Additional Public Prosecutor
For R2 : Mr.V.S.Kishok Kumar

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1. Pothirajan
2. Shanmugabalan
3. Ammasi @ Ammasai
4. Parisuthan @ Parisutham
5. Hariram
6. Sarankumar
7. Suresh
8. Senthilmurugan

.... Petitioners / Accused No. 1 to 8

Vs.

1. State representation by
The Inspector of Police,
Balamedu Police Station,
Madurai District
(FIR No. 283/2017)

..... 1st Respondent / Complainant



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2. Sasi

..... 2nd Respondent / de-fact Complainant

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Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No. 283/2017 dated 02.12.2017 for the alleged offences under “Sections 147, 148, 323, 324 & 506 (2)” of IPC as against these petitioners based on a complaint given by the 2nd respondent.

For Petitioner	: M/s.V.S.Kishok Kumar
For R1	: Mr. B. Nambiselvan Additional Public Prosecutor
For R2	: Mr.A.Umapathi

ORDER

These petitions have been filed seeking to quash the impugned FIR in Crime No.280 of 2017 on the file of the 1st respondent police.

2.The contention of the petitioners is that based on the complaint lodged by the 2nd respondent, the 1st respondent registered the First Information Report in Crime No.280 of 2017 for the offences punishable under Sections 147, 148, 341, 342, 294(b), 323, 324, 436, 307 of IPC & 3(1) of TN Public Property (Prevention of Damages & Loss) Act, 1992, against the petitioners.



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3.The further contention of the petitioners is that they compromised the issue with the 2nd respondent amicably. A joint memo of compromise was filed, which has been duly signed by the petitioners and the 2nd respondent and also by their respective counsels.

4.The petitioners and the 2nd respondent appeared before this Court along with their counsels and also produced their Aadhar cards. They were also identified by the learned Government Advocate (Crl. side) and the Investigation Officer. Both the parties were enquired by me and they accepted the terms of compromise. Hence, the Compromise Memo is recorded.

5. It is a case, case in counter between two groups of villagers. The encroachment said to be removed. After removal of the encroachments by the officials, the occurrence were taken place. With regard to the damage, it is stated that no compensation is going to be claimed by any of the parties from the other. Eventhough Section 307 of IPC is stated in the First Information Report, in the final report it is seen that no grievous injury was sustained by any of the persons.



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6. Considering the totality of the circumstances, the nature of the allegations levelled against the petitioners and also in view of the joint compromise memo, dated 19.06.2023, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.280 of 2017 pending on the file of the 1st respondent police in respect of this petitioners.

7. In the result, the Criminal Original Petitions stand allowed and the entire proceedings in Crime No.280 of 2017, pending on the file of the 1st respondent police is hereby quashed in respect of the petitioners. The compromise memo is recorded and the terms of joint compromise memo shall form part of this order.

27.06.2023

NCC : Yes / No

Index : Yes/No

Internet:Yes/No

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G.ILANGO VAN, J.,

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To

- 1.The Inspector of Police,
Balamedu Police Station,
Madurai District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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