

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.22323 and 25274 of 2015

and MP.Nos.1 to 1 of 2015

1 SUBRAMANI
2 VENKATESAN
3 THIMMARAJ
4 RAMADOSS
5 VIJAYAKUMAR
6 SIVA
7 SIVA
8 DAKSHANAMURTHY
9 SHANKAR
10 SURESH
11 SAGAYAM
12 JAMILA
13 SUMATHI

... PETITIONERS
in Crl.OP.22323/15/
A1-A13

1 V.JAYAKUMAR
2 V.SIVAKUMAR
3 SAILESHKUMAR
4 MURUGAVEL
5 ELUMALAI
6 AMBIKA
7 KANTHURUBAN
8 SENTHIL KUMAR
9 GANESHMURTHY
10 RAMESH
11 PANDIAN

... PETITIONERS
in Crl.OP.25274/15/
Accused 1 to 5
7 to 12

Vs

STATE BY
THE INSPECTOR OF POLICE
KILIYANUR POLICE STATION
VILLUPURAM DISTRICT.

... RESPONDENT
in both CrI.OPs/
Complainant

V. SIVAKUMAR

... RESPONDENT
in CrI.OP.22323/15/
Defacto Complainant

E.SUBRAMANI

... RESPONDENT
in CrI.OP.25274/15/
Defacto Complainant

CrI.OP.No.22323 of 2015 : Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records from the file of the Respondent in Crime No. 112/2008 registered against the petitioners/A1-A13 herein and quash the First Information Report.

CrI.OP.No.25274 of 2015 : Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records relating to First Information Report in Crime No.110 of 2008 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.S.Seenuvasan
in CrI.OP.22323/15
For Petitioners : Mr.T.P.Sekar
in CrI.OP.25274/15

For Respondents : Mr.C.Emalias, APP [for
R1]
in CrI.OP.22323/15 : Mr.T.P.Sekar [for R2]
For Respondents
in CrI.OP.25274/15 : Mr.C.Emalias, APP [for
R1]

COMMON ORDER

These petitions have been filed to quash the FIR in Crime No.112 of 2008 and 110 of 2008 on the file of the 1st respondent respectively.

2. Heard the learned counsel for the petitioners; learned Additional Public Prosecutor for the 1st respondent and perused the materials placed on record.

3. It appears that a clash occurred between two groups on 31.03.2008 in a funeral procession, in connection with which, the respondent police registered cases against both parties in Crime No.110 and 112 of 2008 for offences under Section 147, 148, 324, 323 and 307 IPC, challenging which, the petitioners are before this Court for quashing both the FIRs, on the ground that both groups belong to the same village and on intervention of village elders, they have amicably settled the issues.

4. Learned Additional Public Prosecutor has filed Common Counter stating that investigation is pending in this case. Learned Additional Public Prosecutor submitted that, since an offence under Section 307 IPC is made out, this Court should be circumspect in quashing the prosecution.

5. In the light of the recent judgment of the Hon'ble Supreme Court in State of M.P. Vs Manish and Others reported in 2015[3] MWN [Cr.] 1 [SC], this Court gave its anxious consideration to the facts of the present case. In the Judgment cited above, the police completed the investigation and filed final report before the Court in Criminal Case No.2602 of 2013 under Section 307, 294, 34 IPC, 25 and 27 of the Arms Act, which was quashed by the High Court, which order was set aside by the Hon'ble Supreme Court. In this case, since 2008, the investigation has been pending and the police have not filed Final Report in both the cases. Both the parties belong to the same village and community, and they have buried the hatchet.

6. Under such circumstances, this Court is of the view that, it will serve the interest of justice, if the FIRs in Crime No.110 of 2008 and 112 of 2008 are hereby quashed and accordingly, both the petitions are allowed. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar

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Sub-Assistant Registrar

gya

To

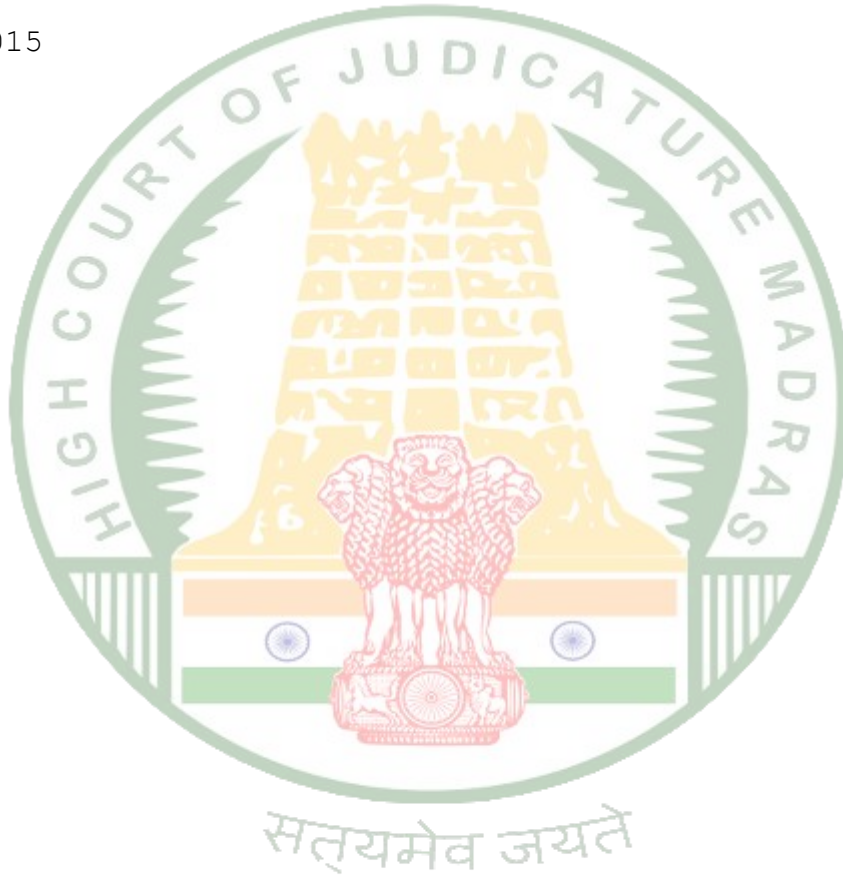
1.THE INSPECTOR OF POLICE
KILIYANUR POLICE STATION
VILLUPURAM DISTRICT.

2.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2 cc to Mr.T.P.Sekar, Advocate sr.59760,59761
+1cc to Mr.S.Seenuvasan, Advocate Sr.58980[09/12/2015]

CRL.OP.No.22323 and 25274 of 2015

sr(co)
aa23/11/2015



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