

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.2883 & 2884 of 2015

1.Saminathan

2.Dass

3.Venkat @ Venkatachalam

.... Petitioners in
CrI.OP.No.2883/2015) (Accused)

1.Kandan

2.Kumar @ Muthukumaran

3.Murugan

4.Uthiravel

5.Azhar @ Rajavel

6.Krishna @ Krishnaraj

7.Natarajan

8.Dheenana @ Dheenadayalan @ Nagarajan

9.Masala Veettu Kumar

10.Ramalingam

11.Thilagar

12.Anandan

13.Vaitheeswaran

14.Ezhil @ Ezhilarasan

15.Viswabarathi

16.Krishnakumar

17.Vanjinathan

.... Petitioners in
CrI.OP.No.2884/2015) (Accused)

Vs

1. The Deputy Superintendent of Police,
Panruti, Cuddalore District.

2. The Sub-Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

.. (Respondents 1 & 2 in both

O.Ps)

3.C.Muthukumaran.

.... (3rd Respondent in
CrI.O.P.2883/2015)

4.Venkatachalam

.... (3rd Respondent in
CrI.O.P.2884/2015)

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C., (i) to quash the charge sheet in C.C.No.105 of 2014 on the file of the Court of the learned Judicial Magistrate-I, Cuddalore, based on the compromise arrived at between them and the 3rd respondent/Defacto complainant(CrI O.P.No.2883 of 2015).

(ii) to quash the charge sheet in P.R.C.No.11 of 2014 on the file of the Court of the learned Judicial Magistrate-I, Cuddalore, based on the compromise arrived at between them and the 3rd respondent/Defacto complainant(Crl O.P.No.2884 of 2015).

Crl OP.2883 of 2015:

For Petitioners	:Mr.R.Nandakumar
For RR1 & 2	:Mr.C.Emalias,
	Additional Public Prosecutor
For R3	:Mr.T.P.Manoharan

Crl OP.2884 of 2015

For Petitioners	:Mr.T.P.Manoharan
For RR1 & 2	:Mr.C.Emalias,
	Additional Public Prosecutor
For R3	:Mr.R.Nandhakumar

COMMON ORDER

Criminal Original Petitions have been filed to quash the charge sheet in C.C.No.105 of 2014 and P.R.C.11 of 2014 on the file of the Court of the learned Judicial Magistrate-I, Cuddalore, based on the compromise arrived at between them and the 3rd respondent/Defacto complainant.

2.Heard the learned counsel for the petitioners and the learned Counsel appearing for the respondents.

3.On a complaint lodged by one Mr.Venkatachalam, the respondent Police registered a case in Crime No.246 of 2014 and after completing investigation filed a final report before the learned Judicial Magistrate-I, Cuddalore, which has been taken on file in P.R.C.No.11 of 2014. The case now committed to the Court of learned Principal District Judge, Cuddalore Sub Court for SC & ST Court cases and the same has been taken on file in SC No.44 of 2015 for the alleged offences under Sections 147, 148, 323, 294(b), 342, 324, 307 IPC and 3(1) (r) 3(1) (S) and read with 3(2) (VA) of SC & ST Act.

4.Thus, it is essentially a quarrel between Dalit and non Dalits. On a complaint lodged by one Mr.Muthukumar, who is a non Dalit, the respondent Police registered a case in Crime No.247 of 2014 and after completing the investigation, filed a final report before the learned Judicial Magistrate-I, Cuddalore, which has been taken on file in C.C.No.105 of 2014 for the offences under Sections 294(b), 323, 324 of IPC r/w Section 34 of IPC.

5.It may be pertinent to state that Mr.Venkatachalam, who is the defacto complainant in SC.No.44 of 2015 is accused in CC.No.105 of 2014. Now, it appears that both the communals have arrived at a compromise, whereby they have agreed to and come forward for quashing their respective prosecutions.

6.Today, Mr.M.N.Ramanathan, the Inspector of Police, Nellikuppam Police Station, Cuddalore District is present before this Court and he identified Mr.Venkatachalam, who is the defacto complainant in S.C.No.44 of 2015 and Mr.Muthukumar, who is the defacto complainant in C.C.No.105 of 2014.

7.The learned Additional Public Prosecutor has made his objections to the quashing of the FIR and to the quashing of the prosecution on the ground that an offence involving schedule castes and Schedule Tribes has been made out. It is true that an offence against dalits should not be quashed under normal circumstances. In this case both the communities seem to have arrived at a compromise. They are before this Court to quash the prosecution against each other. The Inspector of Police, who is present here also submitted that the parties have settled among themselves and there is peace in the area.

8.Mr.Venkatachalam has filed an affidavit before this Court, wherein, in paragraph No.3, he has stated as follows:

"I respectfully state that I, Swaminathan & Dass are permanent residents of the Periyasolavalli Village. The petitioners are permanent residents of the adjacent Viswanathapuram Village, People living in both the villages are all along been living very happily and peacefully in our respective villages by maintaining cordial relationship between us. The incident stated above is very small and trivial and only due to the sudden provocation, lead to a quarrel between us by exchange of words and culminated in criminal complaints against each other as stated above. Such criminal prosecutions and cases are very severely affecting our normal life, causing lot of problems, inconvenience and hardship to me and Swaminathan & Dass and the petitioners. Therefore, both the villagers have sit together and amicably settled and compromised the misunderstandings and disputes between us and decided to compound the offences charged against each other. As some of the offences in both the cases are not compoundable, we are not able to seek for compounding of the offences charged against each of us in the Court of the Judicial Magistrate-I, Cuddalore. Therefore, the petitioners have filed the above Crl.O.P. before this Hon'ble Court to quash the Charge Sheet No.120 of 2014 filed by the first respondent in the Court of the Judicial Magistrate-I, Cuddalore, against them, based on the above compromise arrived between us. Hence, I am filing this supporting affidavit, stating the above

facts and praying to quash the said charge sheet based on the above compromise. Therefore, it is just, fair, proper and necessary to quash the said charge sheet based on compromise. Otherwise, we will be put to irreparable loss, inconvenience, prejudice and hardship".

9.Mr.Muthukumaran has filed an affidavit wherein, in paragraph 3, he has stated as follows:

"I respectfully state that I and the other petitioners are permanent residents of Viswanathapuram Village. The petitioners are permanent residents of the adjacent Periyasolavalli Village. People living in both the villages are all along been living very happily and peacefully in our respective villages by maintaining cordial relationship between each other. The incident stated above is very small and trivial one and only due to the sudden provocation, the same has lead to a quarrel between us by exchange of words and culminated in criminal complaints against each other as stated above. Such criminal prosecutions and cases are very severely affecting our normal day-today life and causing lot of problems, inconvenience, prejudice and hardship to us and also to the petitioners. Therefore, both the villagers have sit together and amicably settled and compromised the misunderstandings and disputes between us and decided to seek for compounding of the offences charged against each other. As some of the offences in both the cases are not compoundable, we are not able to seek for compounding of the offences charged against each of us in the Court of the Judicial Magistrate-I, Cuddalore. Therefore, the petitioners have filed the above Crl.O.P. before this Hon'ble Court, praying to quash the charge sheet No.121/2014 filed by the first respondent in the Court of the Judicial Magistrate-I, Cuddalore, against them based on the above compromise arrived between us. Hence, I am filing this supporting affidavit, stating the above facts and praying to quash the said charge sheet based on the above compromise. Therefore, it is just, fair, proper and necessary to quash the said charge sheet based on compromise. Otherwise, we will be put to irreparable loss, inconvenience, prejudice and hardship.

10.In the interest of communal harmony, this Court is of the view that it is a fit case to quash both the prosecutions and

accordingly the case in S.C.No.44 of 2015 on the file of the Principal District Judge, Cuddalore Special Court and the case in C.C.No.105 of 2014 on the file of the learned Judicial Magistrate I, Cuddalore is hereby quashed.

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s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Principal District Judge,
Special Court, Cuddalore.
 - 2.The Judicial Magistrate No.1,
Cuddalore.
 - 3.The Deputy Superintendent of Police,
Panruti, Cuddalore District.
 - 4.The Sub-Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
 - 5.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.T.P.Manoharan, Advocate SR 33450

scd(co)
prk21/7

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