



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of October Two Thousand Fifteen

PRESENT

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The Hon`ble Mr.Justice S.NAGAMUTHU

CRL RC(MD) Nos.462,463 of 2013 and 83 of 2014

MURUGAN	... PETITIONER in Crl.RC(MD).No.462/2013
R.M.MADHAVAN	... PETITIONER in Crl.RC(MD).No.463/2013
SATHYA	... PETITIONER in Crl.RC(MD).No.83/2014

Vs

1 THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

2 SATHYA ... RESPONDENTS in Crl.RC(MD).No.462/2013

1.R.SATHYA
2.MR.MURUGAN
3.THE STATE REP. BY ITS
INSPECTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL. ... RESPONDENTS in Crl.RC(MD).No.463/2013

1.MURUGAN
2.THE STATE THROUGH THE
INSPECTOR OF POLICE,
DINDIGUL TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.

3.MADHAVAN ... RESPONDENTS in Crl.RC(MD).No.83/2014

Prayer in Crl.RC(MD).No.462/2013:

This petition is preferred under Section 397 r/w 401 Cr.P.C to call for the records connected with the order in Cr.M.P.No.254 of 2012 in S.C.No.70 of 2006 on the file of the Hon'ble Additional Assistant Sessions Judge, Dindigul dated 30.04.2013 and set aside the same so for as to approach the Civil Court for compensation, consequently to direct the respondents to pay compensation to the petitioner.

Prayer in Crl.RC(MD).No.463/2013:

This petition is preferred under Section 397 r/w 401 Cr.P.C to call for the proceedings pertaining to Crl.M.P.No.254 of 2012 in S.C.No.70 of 2006, on the file of the Additional Assistant Sessions Judge, Dindigul, dated 30.04.2013 and set aside the same.



Prayer in Crl.RC(MD).No.83/2014:

This petition is preferred under Section 397 r/w 401 Cr.P.C to call for the records connected with the order in Cr.M.P.No.254 of 2012 in S.C.No.70 of 2006 on the file of the Hon'ble Additional Assistant Sessions Judge, Dindigul, dated 30.04.2013 and set aside the same.

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Order : These petitions coming on for hearing on this day, upon perusing grounds of the petitions, order of the Court below and the earlier order of this Court and upon hearing the arguments of Mr.Gangai Amaran for Mr.Veerakathiravan Advocate for petitioner in Crl.RC(MD).No.463/2013 and of Mr.M.Ajmalkhan, Senior Counsel for M/s.Ajmal Associates for the petitioner in Crl.RC(MD).No.462/2013 and Mr.R.Alagumani, Advocate for the petitioner in Crl.RC(MD).No.83/2014 and of Mr.K.Chellapandian, Additional Advocate General assisted by Mr.P.Kannithevan, Government Advocate(Crl.Side) on behalf of the State, this Court made the following order:-

Crl.RC.(MD).Nos.462, 463 of 2013 and 83 of 2014 were disposed of by means of a Common Order, dated 09.06.2015. By the said order, it was directed that the Government of Tamil Nadu shall pay a sum of Rs.6,00,000/- as compensation to Mr.Sathya, the petitioner in Crl.RC [MD].No.83 of 2014. Out of the said amount, a sum of Rs.1,50,000/- was already paid by the Government to the petitioner - Mr.R.Sathya by means of a demand draft. The balance amount of Rs.4,50,000/- was ordered to be paid within a period of two months from the date of receipt of a copy of the order.

2. But, unfortunately, it was reported that subsequent to the said order, Mr.R.Sathya passed away. The learned Additional Public Prosecutor would, therefore, submit that the said amount of Rs.4,50,000/- could not be paid, though the Government was prepared to pay the same.

3. Now, the wife of Mr.R.Sathya - Mrs.Chithiramani and her two minor children, by name S.Rathika and S.Tamilarasan and also the mother of Mr.R.Sathya - Mrs.Powenthai appeared before this Court on notice. They have agreed that Mrs.Powenthai, Minor S.Rathika and minor S.Tamilarasan shall take Rs.1,50,000/- each from and out of the said amount of Rs.4,50,000/-. It is stated that his wife [Chithiramani] has got divorced already, as per the local custom. She has also appeared before this Court and she assured that she does not claim any share from the said amount.

4. Now, Mrs.Powenthai and Mrs.Chithiramani have appeared before this Court through their counsel Mr.R.Alagumani and filed a joint memo. In Paragraph No.4 of the said memo, they have stated as follows:-

"4. It is submitted that after the death of the petitioner Thiru.Sathya, the divorced wife, children and mother of the petitioner sit together and decided to approach this Court Hon'ble Court by way of filing this joint memo, paying this



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Hon'ble Court for direction to pay the remaining compensation of Rs.4,50,000/- to two children, namely, Minor S.Rathika, aged 15 years, son namely minor S.Tamilarasan, aged 13 years and mother namely Powenthai, aged 58 years equally [each Rs.1,50,000/-] on that effect, the divorced wife of the petitioner, two children and mother of the petitioner most respectfully submit this joint memo before this Hon'ble Court.

Therefore, the parties signed in this joint memo most respectfully prays that this Hon'ble Court may be pleased to accept this joint memo filed by the divorced wife of the petitioner namely Chithiramani, children of the petitioner, namely minor S.Rathika, aged 15 years, minor S.Tamilarasan, aged 13 years and mother of the petitioner namely Powenthai, aged 58 years, before this Hon'ble Court and pass appropriate orders and thus render justice".

5. In view of the above compromise reached between the parties, the Government of Tamil Nadu is directed to pay a sum of Rs.1,50,000/- each to minor S.Rathika, minor S.Tamilarasan, and the mother of the petitioner namely Mrs.Powenthai, in the following manner:-

- A Demand Draft for a sum of Rs.1,50,000/- shall be drawn in the name of Mrs.Powenthai and it shall be handed over to the Registrar Judicial of this Court, within a period of two weeks from the date of receipt of a copy of this Order and the Registrar Judicial shall, in turn, hand over the same to Mrs.Powenthai, after establishing her identity through her counsel.
- The Government of Tamil Nadu shall draw a demand draft for a sum of Rs.1,50,000/- each in the name of the minor S.Rathika, and minor S.Tamilarasan, represented by their mother Mrs.Chithiramani and hand over both the Demand Drafts to the Registrar Judicial of this Court, who, in turn, shall hand over the same to the Branch Manager of Indian Bank, Madurai Bench of Madras High Court, Madurai.
- The Manager of Indian Bank shall keep the said amount in the fixed deposit in the name of S.Rathika and S.Tamilarasan, initially, for a period of three years and the same shall be periodically renewed until the minors attain majority. On their attaining majority, the respective amount shall be paid to S.Rathika and S.Tamilarasan. Until then, the interest shall be paid to Mrs.Chithiramani so as to enable her to spend the same for the maintenance of the minors.

Sd/-

Assistant Registrar

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



TO

- 1 THE ADDITIONAL ASSISTANT SESSIONS JUDGE, DINDIGUL.
- 2 THE DIRECTOR GENERAL OF POLICE, GOVERNMENT OF TAMILNADU, CHENNAI
- 3 THE SUPERINTENDENT OF POLICE, DINDIGUL DISTRICT, DINDIGUL
- 4 THE SUPERINTENDENT OF POLICE, THENI
- 5 THE SECRETARY TO GOVT. HOME DEPARTMENT, SECRETARIAT, CHENNAI-9.
- 6 THE INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION, DINDIGUL DISTRICT.
- 7 THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN WEST POLICE STATION
- 8 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Copy To:

1. The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai
3. The Manager,
Indian Bank, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No.63589

ORDER

CRL RC (MD) Nos.462,463/2013
and 83/2014

Date :29/10/2015

Giving directions and etc
as stated within.

AA/NGM-SS/19.11.2015/4p-13c