

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.Nos.22449 and 22462 of 2016

1 Atralarasu @ Sakthivel
2 Angaalan
3 Rajkumar
4 Karuna Jothi
5 Selvakumar
6 Selvam
7 Veeraselvam
8 Ramachandiran
9 John

Petitioners in Crl.O.P. No.22449 of 2016

vs.

1 The State represented by
the Inspector of Police
Kandamangalam Police Station
Villupuram District

2 Vaithialingam Respondents in Crl.O.P. No.22449 of 2016

1 Manikandan
2 Maduraiveeran
3 Dharmalingam
4 Vaithialingam
5 Ramakrishnan
6 Guru @ Gurunadhan
7 Viji
8 Guru
9 Viram
10 Venkatesan
11 Thomodhiran
12 Ranjith

Petitioners in Crl.O.P. No.22462 of 2016

vs.

1 The State represented by
the Inspector of Police
Kandamangalam Police Station
Villupuram District

2 Ramachandran Respondents in Crl.O.P. No.22462 of 2016

Prayer in Crl.O.P. No.22449 of 2016:

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records pending on the file of the Assistant

Sessions Judge-I, Villupuram, Villupuram District in S.C. No.194 of 2011 and quash the criminal proceedings.

Prayer in CrI.O.P. No.22462 of 2016:

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to call for the records pending on the file of the Special Judge, SC/ST Cases Court, Villupuram, Villupuram District in S.C. No.86 of 2016 and quash the criminal proceedings.

For petitioners in

CrI.O.P. No.22449 of 2016 Mr. D. Dayalan

For R1 in

CrI.O.P. No.22449 of 2016 Mr. C. Emalias
Addl. Public Prosecutor

For petitioners in

CrI.O.P. No.22462 of 2016 Mr. E. Kannadasan

For R1 in

CrI.O.P. No.22462 of 2016 Mr. C. Emalias
Addl. Public Prosecutor

COMMON ORDER

On the complaint lodged by one Vaithiyalingam, the first respondent police registered a case in Crime No.29 of 2011 on 09.02.2011 against Aatralarasu @ Sakthivel and others for offences under Sections 147, 148, 294(b), 323, 324 and 307 IPC read with Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in respect of an incident that took place on 06.02.2011.

2 Similarly, on the complaint of one Ramachandran, the first respondent police registered a case in Crime No.28 of 2011 on 09.02.2011 for offences under Sections 147, 148, 294(b), 323, 326 and 506(II) IPC read with Section 3(1)(x) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, against Manikandan and others in respect of an incident that took place on 06.02.2011.

3 After completing the investigation in Crime No. 29 of 2011, the first respondent police filed a charge sheet which is now pending in S.C. No.194 of 2011 before the Assistant Sessions Court No.I, Villupuram, Villupuram District. Likewise, after completing the investigation in Crime No.28 of 2011, the first respondent police filed a charge sheet, which is now pending in S.C.No.86 of 2016 before the Special Court for SC/ST Act Cases, Villupuram.

4 Since the parties have arrived at a compromise, they have filed the present Criminal Original Petitions seeking quashment of S.C. Nos.194 of 2011 and 86 of 2016.

5 Normally, this Court will loathe to quash the prosecution

for an offence under Section 307, IPC or offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. However, in these cases, it is seen that when the workers of a political outfit were hoisting their party flag, it was objected to by the workers of another political party, on account of which, both the groups clashed, resulting in the police registering two FIRs, as stated above. The injured persons in one case are the accused in the other case and vice versa.

6 The learned Additional Public Prosecutor strongly objected to the quashment of the prosecutions on the ground that it will only further embolden the accused.

7 This Court gave its anxious consideration to the rival submissions.

8 Both the groups are now before this Court and it is stated that they have buried their differences on the intervention of the elders in the village and peace prevails. If the prosecution continues, it is evident that the witnesses will not support the case. That apart, the incident in this case had taken place in 2011 and there are no other criminal cases against the accused in both the cases.

9 Apart from the above, Ramachandran, the de facto complainant in S.C. No.86 of 2016 and Vaithialingam, the de facto complainant in S.C. No.194 of 2011, have filed individual affidavits.

10 The relevant portion of the affidavit filed by Ramachandran is as under:

"6 I submit that after the incident we were compromised by the village elders and our caste leaders and they were given advice us not to disturb and foisting a false complaint against each other in future, since all of them ought to have live peacefully without any interference in any manner. As per their advice and guidelines for the past two years, we are living peacefully without any single untoward incident.

7 I submit that after the advice of the panchayathar and caste leaders, we were approached the 1st respondent police and requested them not to proceed further on our complaints, since we were compromised by the village elders. On receipt of our request the 1st respondent police informed them that they were already filed final report, if at all wants to quash the proceedings to and approach the court concerned and sought for appropriate relief."

11 Similarly, the relevant portion of the affidavit filed by Vaithialingam is as under:

6. I submit that after the incident, both were compromised by the village elders and our caste leaders and they were given advice them not to disturb and foisting a false complaint against each other in future, since all of them ought to have live peacefully without any interference in any manner. As per their advice and guidelines for the past four years, we are living peacefully without any single untoward incident.

7. I submit that after the advice of the panchayathar and caste leaders, we have approached the 1st respondent police and requested them not to proceed further on our complaints, since we were compromised by the village elders. On receipt of our request, the 1st respondent police informed us that they were already filed final report, if at all wants to quash the proceedings to and approach the court concerned and sought for appropriate relief."

12 In view of the above, the prosecutions in S.C. Nos.194 of 2011 and 86 of 2016 on the file of the Assistant Sessions Court No.I, Villupuram and the Special Court for SC/ST Act Cases, Villupuram, respectively, are quashed against all the accused, including those who have not approached this Court and both the Criminal Original Petitions are allowed on payment of costs of Rs.10,000/- in each of the cases (Rs.20,000/- totally) to the Tamil Nadu State Judicial Academy, Chennai 600 028, within a period of two weeks from the date of receipt of a copy of this order.

cad

Sd/-

Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Inspector of Police
Kandamangalam Police Station
Villupuram District
- 2 The Assistant Sessions Judge-I
Villupuram
Villupuram District
- 3 The Special Judge for SC/ST Cases Court
Villupuram
Villupuram District

4 The Director
Tamil Nadu State Judicial Academy
Greenways Road
Chennai 600 028

5 The Public Prosecutor
Madras High Court
Chennai 600 104

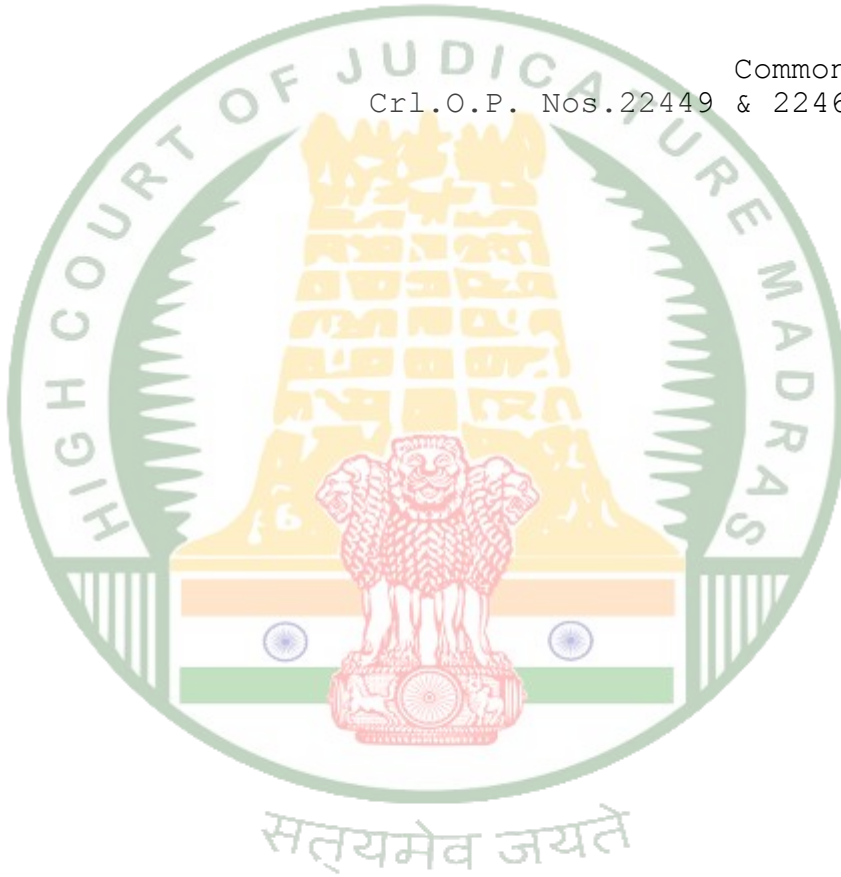
+2 CC Mr. E. Kannadasan SR.No.59685, 58686

+1 CC Mr. D. Dayalan Advocate SR.No.59979

Common order in
Crl.O.P. Nos.22449 & 22462 of 2016

NM

MSI 10/11/2016



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