



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

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

Crl.O.P.(MD) No.3360 of 2017

- 1.Manikanda Prabu
- 2.Mathi @ Mathiselvam
- 3.Arul @ Arulraj
- 4.Thangaraj @ Thakkal
- 5.Karthick @ Netu Karthick ..1 to 5 Petitioner/
Accused 2 to 6
- 6.Samithurai ..6th Petitioner/Accused No.8
- 7.Vetti Mahendran ..7th Petitioner/Accused No.10
- 8.Venkates @ Marisamy
- 9.Selvaganapathi @ Selvaragavan .. 8th and 9th Petitioner/
Accused Nos.12&13
- 10.Murugaiah Pandian ..10th Petitioner/Accused No.15
- 11.Velraj .. 11th Petitioner/Accused No.16

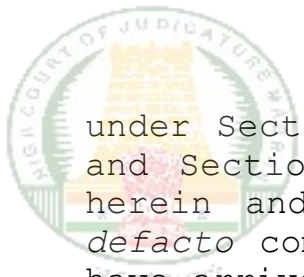
-vs-

- 1.State rep. by,
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.
Crime No.137of 2013. ..1st Respondent/Complainant
- 2.Velmurugan :2nd Respondent/Defacto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records relating to the proceedings in Cr.No.137 of 2013 on the file of the first respondent police and quash the same as against the petitioners only.

For Petitioners : Mr.T.Indra Chithu
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.K.Malaimaran

On the complaint lodged by the second respondent, the first respondent police has registered a case in Crime No.137 of 2013



under Sections 294(b), 323, 355, 506(ii) of the Indian Penal Code and Section 3(1)(ii) of SC/ST Act, 1989 against the petitioners herein and others, for quashing which, the petitioners and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.

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2. Today, when the matter was taken up for hearing, Mr.S.Ramasubbu, Special Sub-Inspector of Police, Sankarankovil Taluk Police Station is present. The *defacto* complainant is present and the petitioners are also present and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.S.Ramasubbu, Special Sub-Inspector of Police, Sankarankovil Taluk Police Station.

3. Under normal circumstances, a First Information Report under SC/ST Act should not be quashed in a routine manner. However, in this case, on a reading of the First Information Report, it is alleged that the accused were the school students in 2013 and a quarrel ensued between them and the other party in the bus. The *defacto* complainant, who is present in Court, submitted that all differences of accused have been buried and that the life of the accused will be in peril, if this prosecution continues. That apart, he submitted that the entire incident had happened in the year 2013 and both communities are now living in peace. Along with a joint compromise memo, the second respondent has also filed an affidavit dated 16.02.2017, wherein, it is stated as follows:

"3. I humbly submit that now there is a compromise arrived between the petitioners/accused persons and me. In view of the above said compromise, the petitioners/accused persons and myself jointly submitted Joint Compromise Memo in regard of above crime number 137 of 2013 on the file of 1st respondent police. I have no objection to quash the above FIR in Cr.No.137 of 2013 on the file of the first respondent against the petitioners as I having no interest to continue the proceedings against the petitioners."

4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in Crime No.137 of 2013 on the file of the first respondent police in respect of all the accused including those who are not before this Court is hereby quashed. The affidavit dated 16.02.2017 and the joint compromise memo shall form part of this order.



5. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.

6. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each, to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court, Madurai, for the purpose of removal of Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

7. Post the matter on 06.04.2017 "for reporting compliance".

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

To:

(*) COMPROMISE MEMO IS ANNEXED TO THIS ORDER

1. The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:-

THE REGISTRAR (ADMINISTRATION),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI,

SML

RL/4C/3P/MR/SAR2/28.3.2017

Order made in

Crl.O.P.(MD) No.3360 of 2017