



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.3373 of 2017

1.Karthick @ Nattu
2.Selvam
3.Arul
4.Thirumalaikumar @ Vaiko
5.Samithurai
6.Karthick @ Kida Mandayan
7.Mathiselvan
8.Duraimurugan
9.Thangaraj
10.Mahendran @ Vitti
11.Arul @ Arulraj : Petitioners/Accused Nos.1 to 11

-vs-

1.State rep. by,
The Inspector of Police,
Sankarankovil Taluk Police Station,
Sankarankovil,
Tirunelveli District.
Crime No.161 of 2012. :..1st Respondent/Complainant

2.Vijayan :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.161 of 2012 on the file of the first respondent police and quash the same.

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

O R D E R

On the complaint lodged by the second respondent, the first respondent police has registered a case in Crime No.161 of 2012 [https://hservices.ecourts.gov.in/cases/147,148,294\(b\),323 and 324 of the Indian Penal Code](https://hservices.ecourts.gov.in/cases/147,148,294(b),323and324oftheIndianPenalCode) r/w Section 3(1)(x) of SC/ST Act, against the petitioners herein, for quashing which, the petitioners and the defacto



complainant are before this Court on the ground that they have arrived at a compromise.

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 routinely quashed. However, in this case, the *defacto* complainant, who is present in Court, submitted that the incident had taken place in the year 2012, while the *defacto* complainant was travelling by bus. The *defacto* complainant also submitted that when the incident had taken place, the accused in this case were school students and that their career will be in peril, if the prosecution proceeds further. That apart, on the intervention of elders, both communities are 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 Cr.No.161/2012 on the file of 1st respondent police. I have no objection to quash the above FIR in Cr.No.161/2012 on the file of the first respondent as I having no interest to continue the proceedings."

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.161 of 2012 on the file of the first respondent police in respect of all the accused including those who are not before this Court are 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



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 Cour, Madurai.

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

Sd/-
Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To:

(*) COMPROMISE MEMO IS ANNEXED TO THIS ORDER

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

Cr1.O.P.(MD) No.3373 of 2017