



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P. (MD) Nos.3960 and 3961 of 2017

CRL.O.P. (MD) No.3960 of 2017:

- 1.Ameeth
- 2.Ayub @ Ayubkhan
- 3.Natarajan
- 4.Muthuramalingam
- 5.Vinayagamoorthy
- 6.Prabhakaran
- 7.Kathiresan
- 8.Balamurugan
- 9.Selvakumar
- 10.Paranthaman
- 11.Udayan
- 12.Pandi
- 13.Saravanakumar
- 14.Pooventhiran
- 15.Somu
- 16.Ramesh
- 17.Karuppasamy
- 18.Solairaja
- 19.Ilavarasan
- 20.Kaviarasan
- 21.Marudhupandi

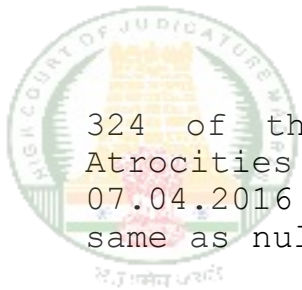
: Petitioners

-Vs-

1. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.169 of 2016).
3. Lakshmanan

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records pertaining to the First Information Report registered in Crime No.169 of 2016 for the alleged offences punishable under Sections 147, 148, 294(b), 323,



324 of the Indian Penal Code r/w 3(2)(v)(a) of Prevention of Atrocities against SC/ST Act and Section 4 of TNPWH Act, dated 07.04.2016 on the file of the second respondent police and quash the same as null and void.

For Petitioners : Mr.V.S.Kishok Kumar
For Respondents 1&2 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.3 : Mr.K.Selvam

Cr1.O.P. (MD)No.3961 of 2017:

- 1.Lakshmanan
- 2.Prasad
- 3.Sekar
- 4.Praveena
- 5.Theivam
- 6.Rathinam
- 7.Muthupandi
- 8.Koolu @ Balraj
- 9.Kannan
- 10.Pandi
- 11.Mayil
- 12.Ays @ Pachaiyappan
- 13.Anand Kumar
- 14.Muthukumar
- 15.Rajendran
- 16.Anbu
- 17.Natarajan

: Petitioners/Accused 1 To 17

-Vs-

1. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.170 of 2016).

: 1st Respondent/Complainant

2. Mahadevan

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the First Information Report registered in Crime No.170 of 2016, dated 08.04.2016, for the alleged offences punishable under Sections 147, 148, 323, 341, 324 and 506(ii) of the Indian Penal Code on the file of the first respondent police and quash the same as illegal.

For Petitioners : Mr.K.Selvam
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.V.S.Kishok Kumar

COMMON ORDERCrl.O.P. (MD)No.3960 of 2017:

WEB COPY

On the complaint lodged by the third respondent-Lakshmanan, the second respondent police has registered a case in Crime No.169 of 2016 for offences under Sections 147, 148, 294(b), 323, 324 of the Indian Penal Code r/w 3(2)(v)(a) of Prevention of Atrocities against SC/ST Act and Section 4 of TNPWH Act against Ameeth and 21 others.

Crl.O.P. (MD)No.3961 of 2017:

2. On the complaint lodged by the second respondent-Mahadevan, a case in Crime No.170 of 2016 has been registered by the first respondent police for offences under Sections 147, 148, 323, 341, 324 and 506(ii) of the Indian Penal Code, against Lakshmanan and 16 others.

3. These quash applications have been filed by the accused in the above cases on the ground that they have arrived at a compromise with the *defacto* complainant in both the cases.

4. Under normal circumstances, a case registered under the SC/ST Act cannot be quashed on the ground that the parties have arrived at a compromise. However, in this case, it is seen that there is a case and counter case, viz., Crime Nos.169 and 170 of 2016, in which, the *defacto* complainant in one case is the accused in the other case. That apart, both the parties hail from the same Village and that it is represented that on the intervention of elders, an amicable settlement has been arrived at. Some of the accused in both the cases are youngsters and in fact, one accused is young girl. Their lives would be in peril, if the present prosecutions continue.

5. On a reading of the First Information Report in both the cases, it is seen that the First Information Reports came to be registered against both the parties on account of the quarrel that ensued between both the groups in connection with the celebration of local village temple festival.

6. The accused and the *defacto* complainant in both the cases have filed individual compromise memos, in which it is stated as follows:

"2. The case of the prosecution is that in a temple festival namely Chellathamman Temple Festival conducted in the *defacto* complainant's village on 07.04.2016, when the *defacto* complainant namely Lakshmanan and his sister namely Praveena was returning after the dissolution of the Mulaipari Pot at around 8 P.M., the 1st and 2nd



petitioners herein teased the sister of the *defacto* complainant and for the objection raised therein by the *defacto* complainant, both the *defacto* complainant and his sister was abused with filthy language and were attacked. In furtherance the other accused herein abused the *defacto* complainant in the name of his caste. Hence, the above FIR was registered against the petitioners by the 2nd respondent police.

3. The petitioners states that now the petitioners and the 3rd respondent entered into compromise, since the petitioners and *defacto* complainant are belonging to same village and living like close relatives."

7. The *defacto* complainant in both the cases are present and most of the accused in both the cases are 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.T.Jagadeeswaran, Special Sub-Inspector of Police, Alanganallur Police Station, who is present in Court today.

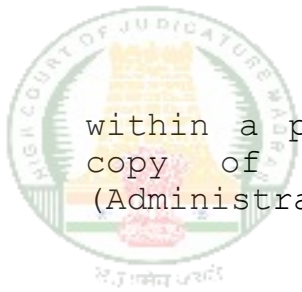
8. The learned Government Advocate (Criminal side) represented that peace prevails in the Village on the intervention of elders and, therefore, the State has also no serious objection in quashment of the First Information Reports.

9. It is seen that there are 22 accused in Crime No.169 of 2016 and 17 accused in Crime No.170 of 2016.

10. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, these petitions are allowed and the entire proceedings in Crime Nos.169 and 170 of 2016 respectively, on the file of the respondent police in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memos shall form part of this order.

11. At the instance of the learned counsel for the accused, the accused, including those who are not before this Court, themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

12. Accepting the submission, the accused, numbering 22 in Crime No.169 of 2016 and 17 in Crime No.170 of 2016, are directed to pay a sum of Rs.200/- (Rupees Two Hundred only) **each**, totalling to Rs.7,800 (Rupees Seven Thousand and Eight Hundred only), 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 Seemai 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.

WEB COPY

Sd/-

Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Samayanallur,
Madurai District.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Registrar (Admin)
Madurai Bench of Madras High Court,
Madurai.

+ 2 CC TO Mr.V.S.KISHOK KUMAR, ADVOCATE IN SR No. 50612

SML

TE/KP : 18/04/2017 : 5P/7C

Common Order made in
CRL.O.P.(MD)Nos.3960 and 3961 of 2017
Dated: 06.04.2017