

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
CRL.O.P. (MD) .No.4378 of 2017

- 1.Parthippan
- 2.Mahendran
- 3.Boominathan
- 4.Balamurugan
- 5.Selvam
- 6.Venugopal
- 7.Loganathan
- 8.Dharmaraj
- 9.Murugesan
- 10.Chinnachamy
- 11.Siva

: Petitioners

-Vs-

1. The Deputy Superintendent of Police,
Nilakottai Sub Division,
Nilakottai,
Dindigul District.
2. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.479 of 2012).
3. K.Palpandi

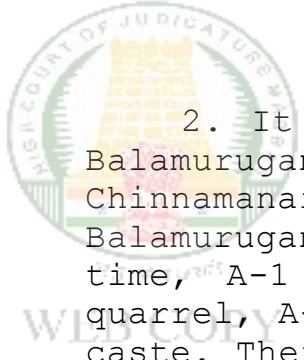
: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in P.R.C.No.39 of 2013 on the file of the Judicial Magistrate Court, Nilakottai, Dindigul District and quash the same as illegal.

For Petitioners : Mr.S.Veluchamy.
For Respondents 1&2 : Mr.K.Anbarasan,
Government Advocate (Crl.side).
For Respondent No.3 : Mr.K.Manikandan.

ORDER

On the complaint lodged by the third respondent, the police registered a case in Crime No.479 of 2012 and after completing the investigation, have filed a charge sheet in P.R.C.No.39 of 2013 before the learned Judicial Magistrate, Nilakottai, for offences under Sections 147, 341, 294(b), 323, 324, 506(ii) of the Indian Penal Code and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, 1989 against Parthippan and ten others, challenging which, the accused are before this Court.



2. It is the case of the prosecution that on 21.09.2012 one Balamurugan was travelling in a mini bus from Nilakkottai to Chinnamanaickenpatti and when the bus crossed Thoppupatti, Balamurugan was standing in the footboard of the bus. At that time, A-1 asked him to get up and a quarrel ensued. In that quarrel, A-1 is said to have abused Balamurugan calling him by his caste. Thereafter, A-1 and others went to the place of Balamurugan and attacked Palpandi and others.

3. It is the contention of the petitioners that on the intervention of elders, the parties have arrived at a compromise. However, the joint compromise memo has been signed only by Palpandi and not Balamurugan, who is also one of the victims in this case.

4. In the opinion of this Court, the prosecution cannot be quashed on the basis of the compromise arrived at between the accused and Palpandi alone, since Balamurugan is also one of the victims.

5. In the result, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate Court,
Nilakottai, Dindigul District.
2. The Deputy Superintendent of Police,
Nilakottai Sub Division,
Nilakottai,
Dindigul District.
3. The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.O.P. (MD) .No.4378 of 2017
28.06.2017