



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.05.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.4630 of 2017

WEB COPY

1.Minor Naveen @ Navaneetha Krishnan

Rep by his father Subbaiah

2.Subramanian

3.Subash

4.Subramanian @ Sivasubramanian

5.Vijayakumar

6.Sakthi @ Sakthivel

... Petitioners

Vs.

1.State rep by the

The Inspector of Police,

Kalakkad Police Station,

Tirunelveli District.

2.Vivek Mani

... Respondents

Prayer : Criminal Original Petition is filed under section 482 of Criminal Procedure Code, praying to call for the records pertaining to Crime No.7 of 2017 on the file of the 1st respondent and quash the same.

For Petitioners

: Mr.D.Venkatesh

For 1st Respondent

: Mr.K.Anbarasan

Government Advocate (Crl.side)

For R2

: Mr.P.Mani Anand

O R D E R

On the letter given by the learned counsel for the petitioners, this petition has been listed in the special sitting.

2.On the complaint lodged by one Vivek Mani / 2nd respondent, the first respondent police registered a case in Crime No.7 of 2017 for offences under Sections 147, 294(b), 323 & 506(1) of the Indian Penal Code, 1860 and Sections 3(1)(r), 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 against the petitioners, challenging which, the accused and the *defacto* complainant are before this Court for quashing the FIR against the petitioners on the ground that they have arrived at a compromise.

<https://hcservices.ecourt.gov.in/hcservices/> the learned counsel for the petitioners, the learned Government Advocate (crl. Side) for the 1st respondent and

the learned counsel for the 2nd respondent.

4. Today, when the matter is taken up for hearing, Mr.R.Vel Kumar, Sub Inspector of Police, Kalakkad Police Station, Tirunelveli District, is present in Court. The *defacto* complainant is present and the accused are also present . The identifications of the accused 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.R.Vel Kumar, Sub Inspector of Police, Kalakkad Police Station, Tirunelveli District.

5. Under normal circumstances, an offence under Section SC/ST Act would not be quashed. However, considering the fact that there is no previous case against the petitioners, the offence under Section SC/ST Act can be quashed.

6. The petitioners and the second respondent have filed an affidavit along with a joint compromise memo dated 10.04.2017, in which, it has been stated as follows:

"2.The 2nd respondent and the petitioners now on the advice of their well wishers and the village elders have amicably arrived for a settlement. To that effect, a compromise agreement dated 19.01.2017 was also executed by both of them. Based on the same, the above quash petition was filed before this Honourable Court, seeking to quash the proceedings in Crime No.7 of 2017. The parties herein jointly pray that this Honourable Court may be pleased to quash the proceedings in crime No.7 of 2017, on the file of the 1st respondent. The 2nd respondent herein also filed a separate affidavit to that effect. It is therefore prayed that this Honourable Court may be pleased to quash the proceedings in crime No.7 of 2017, on the file of the 1st respondent by recording this joint compromise memo and the affidavit filed by the 2nd respondent in support of the same."

7. In view of the affidavit filed along with the compromise memo dated 10.04.2017, 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 FIR in Crime No.7 of 2017 pending on the file of the respondent police in respect of all the accused are hereby quashed. The affidavit along with a compromise memo dated 10.04.2017 shall form part of this order.

8.At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount to Gandhi Museum.



9. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees five hundred only) **each**, to the Curator, Gandhi Museum, Madurai, within a period of two weeks from today. After making payment, a copy of the receipt shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Kalakkad 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.

Cr1.O.P. (MD) No.4630 of 2017
02.05.2017

RMI/RR
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