



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) Nos.4631 and 4635 of 2017

CRL.O.P. (MD) No.4631 of 2017:

- 1.Senthil @ Senthil Kumar
- 2.Arun @ Arunkumar
- 3.Manikandan
- 4.Mahendran
- 5.Angu Prabaharan
- 6.Vijay

: Petitioners/Accused 1 to 6

-Vs-

1. The State
By the Inspector of Police,
Chatrapatti Police Station,
Dindigul District.

: 1st Respondent/Complainant

2. K.Rajesh, M.

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to Crime No.105 of 2016 on the file of the first respondent and quash the same.

For Petitioners : Mr.D.Venkatesh

For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.T.Lenin Kumar

Cr1.O.P. (MD) No.4635 of 2017:

Rajesh

: Petitioner/Sole Accused



-Vs-

1. The Stae,
By the Inspector of Police,
Chatrapatti Police Station,
Dindigul District.

: 1st Respondent/Complainant

2. Senthil Kumar

: 2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to Crime No.106 of 2016 on the file of the first respondent and quash the same.

For Petitioner : Mr.T.Lenin Kumar
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.D.Venkatesh

COMMON ORDER

Crl.O.P.(MD)No.4631 of 2017:

On the complaint lodged by the second respondent-Rajesh, the first respondent has registered a case in Crime No.105 of 2016 for offences under Sections 147, 148, 324 and 506(ii) of the Indian Penal Code r/w 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 2016 against the petitioners.

Crl.O.P.(MD)No.4635 of 2017:

2. On the complaint lodged by the second respondent-Senthil Kumar, a case in Crime No.106 of 2016 has been registered by the first respondent police for offences under Sections 294(b), 324 and 506(ii) of the Indian Penal Code, against the petitioner herein.

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 First Information Report 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.105 and 106 of 2016 and both parties belong to the same Village. That apart, Rajesh, who is a Dalit and who is the *defacto*



complainant in Crime No.105 of 2016 and who is the accused in Crime No.106 of 2016, is present before this Court and he has also filed an affidavit dated 30.03.2017, in which, it is stated as follows:

"2.I submit that on 08.05.2016, based on my complaint, the 1st respondent registered a case in Crime No.105 of 2016 against the petitioners for the alleged offence punishable under Sections 147, 148, 324, 506(ii) of the IPC and r/w 3(2)(Va) of SC/ST (Prevention of Atrocities) Act, 2016. As per complaint on 08.05.2016 at about 7.30 p.m., I along with my brother Mayilsamy went near Government Boys Hostel situated near Kaliasman Kovil to urinate. At that time, one Mani came there and asked my mobile phone to make a call and made the call to the 1st petitioner. Thereafter, some 10 unknown persons came there in a TATA Ace vehicle with deadly weapons and objecting my entry in their street, scolded me and my brother by mentioning caste name and by using filthy language. By using iron rods, the petitioners attacked me and I also sustained injury because of the use of knife. Hence, I lodged the above complaint for taking action against the petitioners.

3.I submit that during pendency of the above case, as per the advice of our well-wishers and village elders, we have amicably settled the issue among ourselves. Since we got compromise, I agreed to say no objection for quashing the case as against the petitioners. Therefore, I don't want to continue the criminal proceedings in Crime No.105 of 2016, on the file the 1st respondent as against the petitioners and I agree to quash the above case as against the petitioners. In view of the same, this Hon'ble Court may be pleased to quash the proceedings in Crime No.105 of 2016, on the file of the 1st respondent or otherwise I will be put to irreparable loss and hardship, on the other hand the 1st respondent will be no way prejudiced, if the case is quashed."

5. Similarly, the *defacto* complainant in Crime No.106 of 2016 has filed an affidavit dated 10.04.2017, in which, it is stated as follows:

"3. I submit that during pendency of the above case, as per the advice of well-wishers of both the family and under the advice of our village elders, we have amicably settled the issue among ourselves. Since we got compromise, I agreed to say no objection for quashing the case as against the petitioner. Therefore, I don't want to continue the criminal proceedings in



Crime No.106 of 2016, on the file the 1st respondent as against the petitioner and I agree to quash the above case as against the petitioner. In view of the same, this Hon'ble Court may be pleased to quash the proceedings in Crime No.106 of 2016, on the file of the 1st respondent or otherwise I will be put to irreparable loss and hardship, on the other hand the 1st respondent will be no way prejudiced, if the case is quashed."

6. Apart from that, the accused and the *defacto* complainant in both the cases have filed individual joint compromise memos.

7. The *defacto* complainant in both the cases are present and the petitioners 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.Subramaniyan, Special Sub-Inspector of Police, Chatrapatti Police Station, who is present in Court today.

8. 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.105 and 106 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 affidavit filed by the *defacto* complainant in both the cases as well as the joint compromise memos shall form part of this order.

9. At the instance of the learned counsel for the petitioners in both the cases, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

10. Accepting the submission, the petitioners in both the cases 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 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.

Sd/-

Assistant Registrar

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



Encl.: Xerox copy of Compromise Memo

To

1. The Inspector of Police,
Chatrapatti Police Station,
Dindigul 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.

+ 2 CC TO Mr.D.VENKATESH, ADVOCATE IN SR No. 52680, 52679

SML

TE/SV-MMS/SAR-III : 27/04/2017 : 5P/6C

Common Order made in
CRL.O.P.(MD)Nos.4631 and 4635 of 2017
Dated: 19.04.2017