



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2017

WEB COPY

CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.5150 of 2017

1.Subramanian
2.Naini Veetu Subbiah @ Subbiah
3.Saravanan
4.Shanthi : Petitioners/Accused 1 to 4

-Vs-

1.State Rep. By
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No.66 of 2007).

2.Gunasekaran : Respondents/Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records of FIR in Cr.No.66/2007 in S.C.No.28 of 2010 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai District and to quash the same as illegal.

For Petitioners : Mr.A.V.Arun
For R1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For R2 : Mr.B.Santhanam Rajeshkumar

O R D E R

Heard Mr.A.V.Arun, learned counsel for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent and Mr.B.Santhanam Rajeshkumar, learned counsel appearing for the second respondent. Mr.C.Rajendran, Special Sub Inspector of Police, Kallal Police Station, is present in Court today.

2.This petition has been filed to quash the prosecution in S.C.No.28 of 2010, on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, on the ground that the parties are arrived at compromise.

3.It is seen that the charge-sheet in this case was filed in the year 2010 and till 2017 A1 was in abscondence. Pursuant to the Non-Bailable Warrant issued by the Trial Judge, A1 has been



arrested by the police on 12.02.2017 and is still in incarceration. It is also reported that there are several cases pending against A1.

4. In such circumstances, this Court is of the considered view that this is not a fit case to quash the prosecution on the ground that the parties have arrived at compromise. Hence, this Criminal Original Petition is dismissed. However, the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai District is directed to expeditiously complete the trial in S.C.No.28 of 2010 within a period of six months from the date of receipt of a copy of this order, provided the accused co-operate by engaging an Advocate by cross-examining the witnesses on the date of their examination in chief, as directed by the Supreme Court in *Vinod Kumar v. State of Punjab* reported in (2015) 3 SCC 220.

5. With the above observation, this Criminal Original Petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd

ASST REGISTRAR (P AND A)

TRUE COPY

SUB ASST REGISTRAR

am/tsg

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases under
SC/ST (POA) Act 1989, Sivagangai District

2. The Inspector of Police,
Kallal Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. A.V. ARUN, ADVOCATE SR: 54085

KK SKN RSK SAR 3/27/04/2017

2P 5C

Order made in CRL.O.P.(MD) No.5150 of 2017

Dated: 26.04.2017