



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

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Cr1.O.P.(MD) Nos.5259 to 5262 of 2017

Cr1.O.P.(MD).No.5259 of 2017

Minor Vinoth

Minor represented by his natural guardian

and father Periyandi :Petitioner/Accused No.4

-vs-

1.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

2.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

(Crime No.61 of 2015) : 1st and 2nd Respondent/ Complainants

3.Chinna Karuppiyah :3rd Respondent/De facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records in J.C.No.5 of 2016 in Crime No.61 of 2015 on the file of the Juvenile Justice Board cum Judicial Magistrate No.III, Madurai and quash the same.

For Petitioner : Mr.S.Sivaprakash

For Respondents :Mr.K.Anbarasan for R1 & R2

Government Advocate (Criminal Side)

Mr.SP.Vijayanivas for R3

Cr1.O.P.(MD).No.5260 of 2017

1.Chinnaraja

2.Muthupandi

3.Muthumani

4.Prabakaran :Petitioners/Accused Nos.1 to 3, 5

-vs-

1.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

2.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

(Crime No.61 of 2015) : 1st and 2nd Respondent/ Complainants



3.Chinna Karuppiah :3rd Respondent/De facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records in Spl.S.C.No.69 of 2016, in Crime No.61 of 2015 on the file of the 3rd Additional District and Sessions Court (PCR), Madurai and quash the same.

For Petitioner : Mr.S.Sivaprakash

For Respondents :Mr.K.Anbarasan for R1 & R2

Government Advocate (Criminal Side)

Mr.SP.Vijayanivas for R3

Crl.O.P. (MD) .No.5261 of 2017

Minor Thayappan

Minor represented by his natural guardian

and father Tharmar :Petitioner/Accused No.6

-vs-

1.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

2.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District. : 1st and 2nd Respondent/ Complainants
(Crime No.62 of 2015)

3.Periyapandi :3rd Respondent/De facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records in J.C.No.6 of 2016 in Crime No.62 of 2015 on the file of Juvenile Justice Board Cum Judicial Magistrate No.III, Madurai and quash the same.

For Petitioner : Mr.SP.Vijayanivas

For Respondents :Mr.K.Anbarasan for R1 & R2

Government Advocate (Criminal Side)

Mr.S.Sivaprakash for R3

Crl.O.P. (MD) .No.5262 of 2017

1.Muthupandi

2.Chinna Karuppaiah

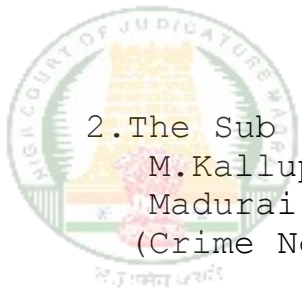
3.Vellaisamy

4.Murugan

5.Alaguraja :Petitioners/Accused Nos.1 to 5

-vs-

1.The Deputy Superintendent of Police,
Usilampatti, Madurai District.



2.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District. : 1st and 2nd Respondent/ Complainants
(Crime No.62 of 2015)

3.Periyapandi :3rd Respondent/De facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure, praying to call for the records in S.C.No.305 of 2016 in Crime No.62 of 2015 on the file of the Sub Court (Camp Court), Usilampatti and quash the same.

For Petitioner : Mr.SP.Vijayanivas
For Respondents :Mr.K.Anbarasan for R1 & R2
Government Advocate (Criminal Side)
Mr.S.Sivaprakash for R3

COMMON ORDER

For the sake of convenience, the parties will be referred to by the name. On the complaint given by Chinna Karuppiyah, the respondent police registered a case in Crime No.61 of 2015 on 13.09.2015 and after completing the investigation the police have filed two charge sheets namely Special S.C.No.69 of 2016 before the III Additional District and Sessions Court (PCR), Madurai, against Chinnaraja and 3 others and J.C.No.5 of 2016 before the Juvenile Justice Board cum Judicial Magistrate No.III, Madurai against Vinoth (minor) for the following offences, 147, 148, 323, 324, 506(ii) of I.P.C. r/w 3(1)(x) of SC/ST Act. For quashing which, CrI.O.P.(MD).No.5260 of 2017 has been filed by Chinnaraja and 3 others and CrI.O.P.(MD).No.5259 of 2017 has been filed by Vinoth (Minor) on the ground that all the accused have arrived at a compromise with Chinna Karuppiyah.

2. The counter case is as follows. On the complaint lodged by Periyapandi, the respondent police registered a case in Crime No.62 of 2015 and after completing the investigation the police have filed two charge sheets namely S.C.No.305 of 2016 before the Sub Court, Usilampatti, against Muthupandi and 4 others and J.C.No.6 of 2016 before the Juvenile Justice Board cum Judicial Magistrate No.III, Madurai against Thayappan (minor) for the offences under Sections 147, 148, 294(b), 323, 326 and 307 of I.P.C. For quashing which, Muthupandi and 4 others have filed CrI.O.P.(MD).No.5262 of 2017 and Thayappan (minor) has filed CrI.O.P.(MD).No.5261 of 2017 on that ground that the accused and the defacto complainant Periyapandi have arrived for a compromise.

3. In normal circumstances, a case in SC and ST Act and a case under Section 307 IPC cannot be routinely quashed on the ground that they have arrived at a compromise. In this case it is seen



that both groups have fought over a trivial issue, inasmuch as it is alleged that Chinnaraja had driven a lorry very fast, which was objected by one party and a sudden quarrel arose.

4. Today, when the matter was taken up for hearing, Mr.A.Sangaiah, Sub-Inspector of Police, M.Kallupatti Police Station, Madurai District, is present. Both parties are also present before this Court and their identifications were verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.A.Sangaiah, Sub-Inspector of Police, M.Kallupatti Police Station, Madurai District.

5. The petitioners and the third respondent have filed 4 joint compromise memos dated 04.04.2017, duly signed by parties and their counsel, wherein, in the joint compromise memo dated 04.04.2017 filed in CrI.O.P.(MD).No.5261 of 2017, they have stated as follows:

"3.It is submitted that the Village elders intervene the dispute between the defacto complainant with the petitioners, the matter entered into compromise"

6. In view of the 4 joint memos of compromise dated 04.04.2017, this Court is of the opinion that no useful purpose would be served in keeping the matter pending.

7.Accordingly, these Criminal Original Petitions are allowed on the basis of the compromise entered into between the parties and the entire proceedings in J.C.No.5 of 2016 on the file of learned Juvenile Justice Board cum Judicial Magistrate No.III, Madurai, Special S.C.No.69 of 2016 on the file of III Additional District and Sessions Court (PCR), Madurai, J.C.No.6 of 2016 on the file of Juvenile Justice Board cum Judicial Magistrate No.III, Madurai and S.C.No.305 of 2016 on the file of Sub Judge, (Camp Court), Usilampatti are hereby quashed on condition that the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred only) each (Totally Rs.500/- x 11 = Rs.5,500/- (Rupees Five Thousand Five Hundred only) as cost to Mahatma Gandhi Museum, Madurai, within a period of one week from the date of receipt of a copy of this order and file a memo in the Registry. The 4 joint compromise memos dated 04.04.2017 shall form part of this order.

Sd/-

Assistant Registrar

/True copy/



To:

1.The Juvenile Justice Board cum Judicial Magistrate No.III,
Madurai.

2.III Additional District and Sessions Court (PCR),
Madurai.

3.The Sub Judge (Camp Court), Usilampatti.

4.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

5.The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

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

+1cc to Mr.S.Sivaprakash,Advocate,SR.61706

Encl:Xerox Copy of Compramise memos

Order made in
Crl.O.P.(MD) Nos.5259 to 5262 of 2017
22.06.2017

JIKR
KK/SKN RSK/SAR2/03.07.2017/5P-8C/