



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM:

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.5276 of 2017

Gopal

: Petitioner

-Vs-

1. The Deputy Superintendent of Police,
Kadalkudi Police Station,
Tuticorin District.
(Crime No.7 of 2015).

2. P.Raj

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to S.C.No.1 of 2016 pending on the file of the learned Second Additional District and Sessions Judge, Tirunelveli (Thoothukudi District) and quash the same.

For Petitioner : Mr.K.Jayaseelan

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

For Respondent No.2 : Mr.D.Sreedhar

O R D E R

On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.7 of 2015 and after completing the investigation, has filed a charge sheet and the case is now pending in S.C.No.1 of 2016 before the learned Second Additional District and Sessions Judge, Tirunelveli (Thoothukudi District), for offences under Sections 294(b), 324, 506(ii) of the Indian Penal Code and Section 3(i)(x) of SC/ST (POA) Act, 1989, for quashing which, the petitioner is before this Court on the ground that he has arrived at a compromise with the *defacto* complainant.

2. Today, when the matter was taken up for hearing, <https://hcservices.ecourts.gov.in/hcservices/> Mr.S.Sankaralingam, Sub-Inspector of Police, Kadalkudi Police Station, is present. The *defacto* complainant is present and the



petitioner is also 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.S.Sankaralingam, Sub-Inspector of Police, Kadalkudi Police Station.

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3. Under normal circumstances, a prosecution under SC/ST (POA) Act cannot be quashed on the ground that the parties have arrived at a compromise. However, in this case, it is seen that the victim and the accused belong to the same Village and they seem to have amicably settled all their issues on the intervention of elders.

4. The *defacto* complainant has filed an affidavit dated 25.04.2017, wherein, it is stated as follows:

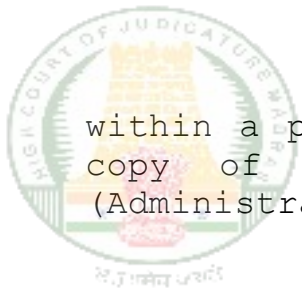
"3. I further submit that the petitioner and I have solved the problems amicably with the interest of my family welfare. Because of the reason is that the above said petitioner are neighbour of me, due to the fit of the anger, I had lodged the complaint against the petitioner, now the family elders and relatives of both families were enter into compromise with the petitioner and settled entire issues amicably to out of court.

4. I further submit that I am willing to withdraw the criminal case registered against the petitioner in crime No.7 of 2015 alleged offences U/s.294(b), 324, 506(ii) of IPC and 3(i)(x) of SC/ST (POA) Act, 1989, by the 1st respondent accordingly charge sheet also filed in S.C.No.1 of 2016, dated 02.04.2015 on the file of the Second Additional District and Sessions Judge, Tirunelveli (Thoothukudi District)."

5. In view of the above, 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 entire proceedings in S.C.No.1 of 2016, on the file of the learned Second Additional District and Sessions Judge, Tirunelveli, (Thoothukudi District), in respect of all the accused including those who are not before this Court are hereby quashed. The affidavit dated 25.04.2017 shall form part of this order.

6. At the instance of the learned counsel for the petitioner, the petitioner himself voluntarily came forward to contribute some amount for the purpose of removal of Seemai Karuvelam Trees.

7. Accepting the submission, the petitioner is directed to pay a sum of Rs.500/- (Rupees Five Hundred only) 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.

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Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Registrar (Administration),
Madurai Bench of Madras High Court,
Madurai.
2. The Second Additional District and
Sessions Judge, Tirunelveli,
(Thoothukudi District).
3. The Deputy Superintendent of Police,
Kadalkudi Police Station,
Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.JAYASEELAN, ADVOCATE IN SR No. 54474

SML

TE/JC : 15/05/2017 : 3P/6C

Order made in
CRL.O.P.(MD) No.5276 of 2017
Dated: 27.04.2017