



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH**Crl.O.P. (MD) No.20657 of 2016****and****Crl.M.P. (MD) No.10491 of 2016**

- 1.Anandh
- 2.Alex
- 3.Mani
- 4.Mayakannan
- 5.Murali
- 6.Mohan
- 7.Tholpandi

: Petitioners/Accused No.1 to 7

-vs-

- 1.The State Rep by the,
Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai District.
(Crime No.280 of 2016)

:1st Respondent/Complainant

2. Vignesh @ Somasundareswaran,
S/o Jothipitchai,
17th Ward, Muthukrishna Asari Street,
Usilampatti,
Madurai District.

: 2nd Respondent/De-facto Complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records relating to the FIR in Crime No.280 of 2016 on the file 1st respondent police and quash the same as illegal.

For Petitioners	:Mr.K.Appadurai
For Respondent No.1	:Mr.A.P.Balasubramani
	Government Advocate (Crl.side)
For Respondent No.2	:M.Jegadeesh Pandian

O R D E R

On the complaint lodged by one Vignesh @ Somasundareswaran/2nd respondent, the first respondent police registered a case in Crime No. 280 of 2016 for offences under Sections 147, 148, 294(b), 307, 363 of the Indian Penal Code and Section 3(ii)(va) of the SC/ST (Prevention of Atrocities) Amendment Ordinance, 2014 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.

2.It is the case of the 2nd respondent that he is a Dalit and he was in love with one Divya, who is a Caste Hindu girl, which was objected to by her family members. It is further alleged that on 02.06.2016, when the 2nd respondent was proceeding to the Police Station with Divya to seek refuge and protection for marrying her, they were intercepted by the petitioners/Accused herein and abducted Divya and took her away, after assaulting the 2nd respondent and on the complaint given by the 2nd respondent, police registered a case in Crime No. 280 of 2016 for offences under Sections 147, 148, 294(b), 307, 363 of the Indian Penal Code and Section 3(ii)(va) of the SC/ST (Prevention of Atrocities) Amendment Ordinance, 2014 against seven accused including, A1 and A2, who are said to be brothers of Divya.

3.Divya's grandmother, Rajammal filed H.C.P(MD)No.262 of 2016 alleging that her granddaughter Divya is being illegally detained by the 2nd respondent (Vignesh). On 03.06.2016, this Court passed the following order in H.C.P(MD)No.262 of 2016, in which, it is stated as follows:

"The detenue was produced before us by the second respondent. The detenue informed us that she is presently working as a home nurse at Chennai. She is not willing to go with her parents. The detenue wanted to go back to Chennai for work.

2.The detenue is a major. She is not in illegal custody. The detenue is set at liberty."

From the above, it is clear that the said Divya has been set at liberty and she stated that she is working as a Nurse at Chennai.

5.Today, when the matter is taken up for hearing, Ms.P.Manimozhi, Special Sub Inspector of Police, Usilampatti Town Police Station, Madurai District, is present before this 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 Ms.P.Manimozhi, Special Sub Inspector of Police, Usilampatti Town Police Station, Madurai District. Under such circumstances, the petitioners/accused and the 2nd respondent are before this Court for quashing the FIR on the ground that they have arrived at a compromise.

6.Under ordinary circumstances, offences under Sections 363, 325 of I.P.C and under Section 3(ii)(va) of the SC/ST (Prevention of Atrocities) Amendment Ordinance, 2014 should not be routinely quashed on the ground that the parties have arrived at a compromise. However, in this case, it is seen that the De-facto



Complainant was in love with said Divya and in connection with this, the aforesaid incident had taken place. It is further stated that the injuries suffered by the De-facto Complainant is simple in nature.

7. The petitioners and the second respondent have filed an affidavit along with a joint compromise memo dated 12.04.2017, in which, it has been stated as follows:

"2.We submit that since the petitioners and the 2nd respondent belong to same village. The elders of the village and family advised both parties to go friendly and forgive the mistakes each other and advised to develop good harmony each other. At the advice of the elders, there was a compromise talk went on and as per the village and family elders advise both parties came to a compromise. The 2nd respondent expressed he does not want to prosecute the case further more and want a peaceful atmosphere and develop harmony among themselves. Therefore the 2nd respondent does not want to proceed further with the first information report and he has no objection to quash the FIR."

8. In view of the affidavit dated 12.04.2017, 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.280 of 2016 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 12.04.2017 shall form part of this order. Consequently, connected CrI.M.P.(MD) No.10491 of 2016

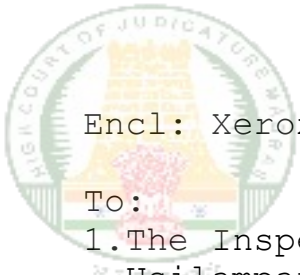
9.At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.

10.Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each (totally Rs.3,500/- Rupees Three Thousand 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 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 (CS-II)

/True copy/



Encl: Xerox copies of Joint Compromise Memo

To:

1. The Inspector of Police,
Usilampatti Town Police Station,
Usilampatti,
Madurai 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.

+1 CC to Mr.K.APPADURAI, Advocate, SR No. 52689/17.

MRN/RR

PSM/MMS/04.05.2017/4P/5C

Order made in
Crl.O.P. (MD) No.20657 of 2016
Dated: 19.04.2017