



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

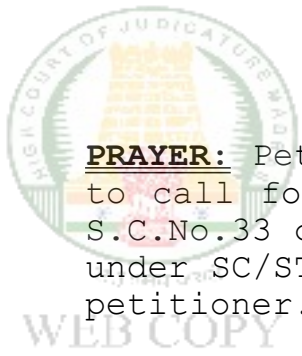
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.10731 of 2020

- 1.Thangapandi,
S/o Durairaj.
 - 2.Selvakumar,
S/o Rajendran.
 - 3.Packiyaraj,
S/o Jeyachandran.
 - 4.Ganeshan,
S/o Rajendran.
 - 5.Ramesh,
S/o Rengasamy.
 - 6.Packiyaraj,
S/o Rengasamy Naidu.
 - 7.Alagursamy,
S/o Narayanasamy Naidu.
 - 8.Sudharkar
S/o Rengasamy
- ... Petitioners / Accused No.1 to 8

Vs

- 1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aundipatti, Theni District.
 - 2.The Inspector of Police,
Aundipatti Police Station,
Theni District.
(In Crime No.585 of 2015).
 - 3.Mr.Rajendran
S/o Paulkanan.
- ... Respondents / Complainants
- ... 3rd Respondent / Defacto Complainant



PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in connection with Charge Sheet in Special S.C.No.33 of 2020 on the file of the Special Court for Trial of Case under SC/ST (POA) Act, Theni and to quash the same in respect of the petitioner.

For Petitioner : Mr.B.Arun

For R1 & R2 : Mr.M.V.Chandrasekaran
Government Advocate.

For R3 : Mr.S.Pradeep

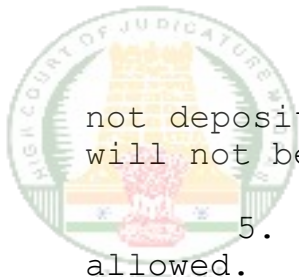
O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents 1 & 2 and the learned counsel for the defacto complainant Rajendran.

2.This Criminal Original Petition has been filed to quash the proceedings in Special S.C.No.33 of 2020 on the file of the Special Court for Trial of Case under SC/ST (POA) Act, Theni. The case of the prosecution is that due to wordy quarrel that arose between the petitioner and the defacto complainant, the offending expressions came to be used. The third respondent now states that he has no objection to quash the impugned proceedings. When the matter was taken up on the occasion, I posed a specific question to the defacto complainant as to whether he has received any compensation amount from the Government, for which, the defacto complainant answered that a sum of Rs.22,500/- has been received. I made it clear that unless the said amount is returned to the Government, I will not quash the impugned proceedings. Therefore, the matter was adjourned.

3.Today when the matter was taken up for hearing, the learned counsel for the defacto complainant stated that when the defacto complainant approached the District Administration for refund of compensation amount, it was made clear that unless there is specific order from this Court, they would not accept the amount.

4.Therefore, I direct the third respondent to deposit a sum of Rs.22,500/- to the credit of Special S.C.No.33 of 2020 on the file of the Special Court for Trial of Case under SC/ST (POA) Act, Theni, within a period of two weeks from the date of receipt of a copy of this Order. Thereupon, the said amount will be transferred by the Special Court to the relevant account, maintained by the District Administration. The Special Court shall co-ordinate in this regard and ensure that the compensation amount is returned to the District Administration as early as possible. Subject to this condition, since the parties have compromised the matter between themselves, proceedings are quashed. If the compensation amount is



not deposited within a period stipulated above, the order now passed will not be given effect to and the impugned proceedings will go on.

5. On these terms, this Criminal Original Petition is allowed.

WEB COPY

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To: -

- 1.The Special Court for Trial of Case under SC/ST (POA) Act,
Theni.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Aundipatti,
Theni District.
- 3.The Inspector of Police,
Aundipatti Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.10731 of 2020

12.10.2020

vrn

SDS (20.10.2020) 3P-5C