

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.12.2021

PRONOUNCED ON : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18487 of 2021

Palai Pattabiraman @ Pattabiraman ... Petitioner

Vs.

1.State rep. by the
Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.1174 of 2021). ... Respondent/Complainant

2.Veerakumar ... 2nd Respondents/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crime No.1174 of 2021 pending on the file of the 1st respondent to quash the same in view of the compromise entered into both parties.

For Petitioner : Mr.P.Muthamizh Selvakumar

For R1 : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.1174 of 2021, on the file of the 1st respondent Police, in view of the compromise entered between the parties.

2.The gist of the case is that on 09.07.2021, at about 08.30 p.m., there was crowd near the Government Hospital, Thiruthuraipoondi. The 2nd respondent/defacto complainant had gone there and seen the petitioner along with 100 persons, who are the members of the petitioner's party, assembled for the District Secretary brutally killed by a communal gang. At that time, the 2nd respondent received a phone call and he answered

the same moving around. Suspecting that the 2nd respondent belongs to the opposite party, who had committed the murder and passing the message through his mobile phone, the members in the crowd abused and assaulted the 2nd respondent by using knife and wooden log and inflicted cut injuries on his body. Fearing for life and safety, the 2nd respondent ran away from the scene and got admitted in the Government Hospital, Thiruthuraipoondi at the instance of one Muthukumar, who is his relative. After receiving information from the hospital, the 1st respondent had gone to the hospital, received the complaint from the 2nd respondent and registered an FIR in Crime No.1174 of 2021.

3.The learned counsel for the petitioner submitted that the petitioner is the President of one political party and his District Secretary was murdered by a communal gang. The body of the deceased was kept in the Government Hospital, Thiruthuraipoondi and the party members had assembled in front of the hospital. The 2nd respondent was suspected that he belongs to opposite group and passed message through his mobile phone. Thereafter, the party members abused and assaulted the 2nd respondent and inflicted cut injuries. The learned counsel further submitted that the petitioner has nothing to do with the alleged assault and inflicting cut injuries on the 2nd respondent. The 2nd respondent now realized his mistake of wrongly mentioning the name of the petitioner in the complaint and now, he came forward to compromise the issue. In view of the compromise, the 2nd respondent now agreed to withdraw the complaint lodged a against the petitioner and he produced the Memo of Compromise to that effect. Hence, the learned counsel for the petitioner prayed for quashing of the FIR in terms of compromise.

4.The learned Additional Public Prosecutor appearing for the 1st respondent Police strongly objected the compromise entered between the petitioner and the 2nd respondent and filed counter and made his submissions that the petitioner along with 19 persons brutally attacked the 2nd respondent by using wooden log and knife and thereby, inflicted cut injuries. The occurrence took place in front of the Government Hospital, Thiruthuraipoondi. The public who were present near the occurrence, were also threatened by the petitioner and others. Due to the occurrence, there was fear among the public and law and order problem was created and Police force was used to bring the situation under control. The 2nd respondent fearing for life, ran away from the scene and got admitted in the Government Hospital, Thiruthuraipoondi. He further submitted that the petitioner was granted anticipatory bail by this Court in

Crl.O.P.No.13052 of 2021 on 13.06.2021 with a direction to surrender and execute bond within period of 15 days from the date of receipt of the order, but he is absconding and not executed the bond so far. The petitioner is a habitual offence in his locality and he is a History Sheetted rowdy in H.S.No.33 of 2021 and he has seven cases, of which two cases are under trial, one is under investigation and another one is yet to be taken on file. Hence, he prayed for dismissal of this petition.

5.This Court considered the rival submissions and perused the materials available on record.

6.It is seen that the petitioner along with his political parties abused and assaulted the 2nd respondent and thereby, inflicted cut injuries. On perusal of the status report filed by the learned Additional Public Prosecutor, the petitioner is a notorious person and he is involved in seven cases. The petitioner is a History Sheetted rowdy in H.S.No.33 of 2021. If this Court quashes the FIR against the petitioner on the ground of compromise, the petitioner would repeatedly commit such type of offences. Hence, this Court is not inclined to quash the FIR against the petitioner in terms of compromise.

7.In view of the above, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.18487 of 2021

CA(CO)
GN(20/01/2022)