



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI. O.P. No.26674 of 2018
and
CrI.M.P.Nos.15367 of 2018
and
17915 of 2019

1.R.Sivasubramaniam
2.Meena @ Meenambigai
3.Meena @ Meenakumari
4.Prabakaran
5.Hemalatha

...Petitioners

Versus

1.The State Rep by its,
The Inspector of Police,
Veerapandi Police Station,
Tiruppur City,
Tiruppur District,
(Crime No.652/18)

2. K.Kain

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.652 of 2018 pending on the file of the 1st respondent police and quash the same.

For Petitioner : Mr.V.Karthick
Senior Counsel for Mr.K.Myilsamy

For Respondents : Mr.R.Kishore Kumar for R1
Government Advocate(CrI.Side)

Mr.V.Karthikeyan for

Mr.V.Nicholas for R2



O R D E R

This Criminal Original Petition has been filed to call for the records and quash the proceedings in C.C.No.652 of 2018 pending on the file of the 1st respondent police for the offences under Sections 468,469,471,506(1) of I.P.C and Sections 3(1)(IV),3(1)(x) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act of 1989 and 3(1)(F)(G)(R)(S) of Schedule Caste and Schedule Tribes (Prevention of Atrocities Amendment Act 2016).

2.The allegation in the FIR indicate that the defacto complainant is in possession of the property to the extent of 61 acres and also obtained patta. The accused with the connivance of VAO has obtained computer patta and made an attempt to trespass the property and also threatened the defacto complainant by using his caste name. Thereby, the complaint has been filed against the petitioners.

3. Learned counsel for the petitioners submitted that the matter has been settled between the petitioners and the de facto complainant and he also filed a Memo of Compromise dated 07.01.2022 entered between the parties.

4. Learned counsel for the second respondent submitted that the defacto complainant is not willing to proceed further in this case. The defacto complainant also appeared through video conferencing and stated that he is not willing to proceed further in this matter for the aforesaid offences. He is also identified by the learned counsel for the petitioner.

5. The allegation in the FIR indicate that it is clear civil dispute between the parties. It is not the case of the defacto complainant that he was subjected to humiliation on the caste line or he was dispossessed to attract the offences under Section 3(1)(F)(G)(R)(S) of Schedule Caste and Schedule Tribes (Prevention of Atrocities Amendment Act 2016). Further there is no allegations found in the FIR to attract the offences to proceed further to investigation for the offences under Sections 468,469,471,506(1) of I.P.C.

6. As there is some civil dispute between the parties over the piece of land on the basis of the computer patta in the Revenue Department, there is no other allegations whatsoever made in the FIR and the parties themselves compromised, still



forcing the party to face the ordeal of the trial is nothing but abuse process of law. Therefore, the proceedings against the petitioners is quashed. Accordingly, this criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

msv/nr

To

1. The Inspector of Police,
CCB Police Station,
Salem City.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Nicholas, Advocate, S.R.No.3148

Crl. O.P. No.26674 of 2018
and Crl.M.P.Nos.15367 of 2018
and 17915 of 2019

PL[co]
NSK 08/02/2022