



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.13720 of 2020

1.M.K.Alam Khan
2.S.Murugesan
3.R.Thangarasu
4.S.Ganesan
5.Subramanian @ Palanichamy

... Petitioners/
Accused Nos.1 to 5

Vs.

1. The Deputy Superintendent of Police,
Iluppur Division,
Iluppur Police Station,
Pudukottai District.

... 1st Respondent

2. The State represented by
The Inspector of Police,
Iluppur Police Station,
Pudukottai District.
(Crime No.33 of 2019)

... 2nd Respondent/
Complainant

3.P.Subramanian

... 3rd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the SPL.S.C.No.17 of 2019 on the file of the Principal Sessions Court, Pudukottai and quash the same.

For Petitioners : Mr.H.Mohammed Imran
for Ajmal Associates

For Respondents : Mr.K.Sanjay Gandhi
Government Advocate (Criminal Side)
for R.1 & R.2



: Mrs.N.Sumitha
for Mrs.D.Ramya for R.3

: Mr.D.Anbarasu
for L.W.2

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ORDER

Though this Criminal Original Petition was disposed of by an order, dated 08.04.2022, it is listed today under the caption 'for being mentioned' at the instance of the original owner of the land.

2.In view of the submission made by Mr.D.Anbarasu, the learned counsel, who is the appearing for the original owner of the land-L.W.2, the order, dated 08.04.2022 is hereby re-called and the following order is passed:-

"This Criminal Original Petition has been filed to quash the charge sheet in SPL.S.C.No.17 of 2019 on the file of the Principal Sessions Court, Pudukottai.

2.The case of the prosecution is that the owner of the property purchased the subject property from one Kalibudeen admeasuring 11 cents. While being so, on 13.02.2019 at about 03.00 p.m., the accused persons demolished the compound wall and also damaged the fencing and other agricultural crops in the subject property. When it was questioned by the care taker of the said land, namely, the defacto complainant, he was threatened with dire consequences by the accused persons. The accused persons have damaged the property to the tune of Rs.50,000/-. After completion of investigation, the second respondent filed a final report and the same has been taken cognizance in Spl.S.C.No.17 of 2019 for the offences under Sections 147, 148, 294(b), 506(2) and 427 of I.P.C and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3.All the petitioners/accused persons have filed this petition to quash the entire proceedings on compromise entered into between the petitioners and the defacto complainant. They have also filed joint compromise memo stating that they have amicably settled the issues between themselves. On the strength of the joint compromise memo and appearance of the parties before this Court, this Court quashed the entire proceedings in view of the joint compromise memo by an order, dated 08.04.2022 and allowed the Criminal Original Petition.



4.Today, the original owner of the property, namely Palanivel, represented through his counsel that he never agreed for compromise, since the original defacto complainant is only the care taker and he never entered into compromise between the accused persons.

5.The defacto complainant, namely, the third respondent herein also present before this Court and deposed that he did not know about the compromise and as directed by the police personnel, he signed in the compromise memo. Further, he also categorically deposed that the land belonged to Palanivel and he is only daily wage and taking care of the said land as directed by his owner, namely, the said Palanivel.

6.Suppressing all these facts, the accused persons, namely, the petitioners herein, colluding with the second respondent herein, obtained signature from the third respondent/defacto complainant in the joint compromise memo and filed the same before this Court.

7.In view of the objections raised by the original owner of the property, who was examined as L.W.2, this Criminal Original Petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) payable by the petitioners/accused to the High Court Legal Services Authority, Madurai Bench of Madras High Court, Madurai, on or before 19.04.2022. **The trial Court is directed to proceed with the trial in accordance with law.**

8.Post the matter for reporting compliance on **20.04.2022."**

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Principal Sessions Court,
Pudukottai.
2. The Deputy Superintendent of Police,
Iluppur Division,
Iluppur Police Station,
Pudukottai District.
3. The Inspector of Police,
Iluppur Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. The Officer Incharge,
High Court Legal Services Authority,
Madurai Bench of Madras High Court,
Madurai.
2. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-17691[F] dated
11/04/2022)

Crl.O.P(MD)No.13720 of 2020
12.04.2022

svs(CO)
TR(12.04.2022) 4P 8C