



Crl OP No.28046/ 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.28046 of 2019

and

Crl.M.P. No.14964 of 2019

- 1.Devadoss
- 2.JosephIrudhayaraj
- 3.Ganaprakasam
- 4.Danislal
- 5.Martin
- 6.Devasagayam
- 7.Abiragam
- 8.Peter paul
- 9.Arockia doss
- 10.Arockia doss
- 11.Arockia doss
- 12.Apolin
- 13.Palsar



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14. Joseph

15. Sagayaraj

16. Kulandaisamy

17. Asirvatham

18. Yakkob

19. Alexander

20. Alexander

21. Amirtham

22. Antonysamy

23. Raja

24. Gaspar

25. Martin

26. Martin

27. Antony raj

28. Paul peter

29. Sagayaraj

30. Arockiadoss

31. Anand

32. Ganaprakasam



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33.Amburose

34.Arockiadoss

35.Arumaiselvem

36.Simmikkannu @ Jimmy Garter

37.Lurdhusamy

38.Kulandaisamy

39.Johnpeter

40.Johnpeter

41.Antonysamy

42.Edmond Joseph

43.Jerome

44.Jebamalai

45.Julian

46.JohnPeter

47.Chinnappan

48.John peter

49.Amaladoss

50.Joseph

51.Pathinathan @ M G R



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52.Charles

53.Antonysamy

54.Antony doss @ Durai

55.Antonysamy

56.Lurdhusamy

57.Paulraj

58.Arulraj

59.Irudhayaraj

60.Eliyas

61.Lawranceraj

62.Johnpeter

63.Charlespeter

64.Mois

65.Soosainathan sivavelgiri

66.Alphonse

67.Aayir

68.Selvaraj

69.Joseph

70.Antonysamy

71.Vincentpaulraj



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72.Ganaraj

73.Joseph

74.Savariraj

75.Divyanathan

76.Devid

77.Marianathan

78.Vellaiyan @ Arockiadoss

79.Arockiasamy

80.Antonysamy

81.Magimainathan

82.Bonthili @ Francis

83.Abraham

84.Ganathikkam @ Ismail

85.Antonysamy

86.Arockiadoss @ Aasaikunji

87.Chinnappan

88.Johnpaul

89.Manickkampillai @ Manicka Durai

... Petitioners

Versus



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1.The Deputy Superintendent of Police
Ulundurpet
Villupuram District.

2.The Inspector of Police,
Elavansoorkootai Police Station,
Uludurpet
Villupuram District.

3.Thangaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code seeking to call for the records in Special SC.No.142/2016 pending before the SC/ST Special Court at Villupuram and quash the same.

For Petitioners	: Mr.R.Sankara Subbu for M/s.D.Mario Johnson
For R1 and R2	: Mr.A.Damodaran Additional Public Prosecutor
For R3	: Notice Served

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.142 of 2016 on the file of SC/ST Special Court at Villupuram.



2.The petitioners are accused facing trial in S.C.No.142/2016 for the alleged offences under Sections 147, 148, 294(b), 324, 448, 427, 506(2) IPC and r/w Section 3 (1) (10) of SC/ST (POA) Act.

3.The learned counsel for the petitioners submitted that the case was registered pursuant to the dispute between two communities in the village with regard to the conduct of a Church festival.

4.One of the accused had filed a quash petition in Crl.O.P.No.5048 of 2017 stating that the issue has been amicably settled between the members of two communities and in order to build peace and harmony in the village, the parties were seeking quash of the impugned proceedings. On the basis of the said representation, this Court had quashed the proceedings as against one Selvaraj who was an accused in S.C.No.142 of 2016.

5.The learned counsel for the petitioners submitted that since the parties have amicably settled the matter, the order passed in favour of one of the accused has to enure in favour of other accused who are the petitioners before this Court.



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6.The learned Additional Public Prosecutor, appearing for the first and second respondents on instructions submitted that the peace is prevailing in the village and no untoward incident have taken place. He further submitted that the submission of the petitioners that the two communities have entered into a compromise is true and submitted that if the proceedings are allowed to continue, peace and harmony is likely to be disturbed.

7.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the first and second respondents. Though notice was served to the third respondent/defacto complainant on 02.11.2019, none has entered appearance on behalf of the third respondent.

8.This Court finds that on the petition filed by one of the accused, this Court had recorded the fact that the parties have amicably settled the issues in order to build peace and harmony in the village in future. The relevant portion of the order of this Court dated 15.03.2017 in Crl.O.P.No.5048 of 2017 is as follows:-



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“2.In the affidavit filed in support of this Criminal Original Petition, it is stated that on the advice of the police and revenue officials, the dispute between the petitioner and the third respondent has been amicably settled in order to build peace and harmony in the village in future.

The said finding which was made in respect of one of the accused would apply to the petitioners as well. Further, the learned Additional Public Prosecutor on instructions submits that a compromise has been arrived at between the parties in the presence of police and revenue officials. Since the parties have amicably settled the issue, there is no use in keeping the impugned proceedings pending before the trial Court.

9. In view of the same, the proceedings in S.C.No.142 of 2016 is quashed against the petitioners. Accordingly, the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petition is closed.

10.03.2023

dk

Index: Yes/No

Speaking Order / Non-Speaking Order



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Neutral Citation: Yes / No

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To

1.The SC/ST Special Court
Villupuram.

2.The Deputy Superintendent of Police
Ulundurpet
Villupuram District.

3.The Inspector of Police,
Elavansoorkootai Police Station,
Uludurpet
Villupuram District.

4.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN, J

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