



CrI.OP(MD).No.19485 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

CrI.OP(MD)No.19485 of 2018

and

CrI.MP(MD)No.8849 of 2018

1.G.Sathuragiri

2.P.Karuppiah

3.J.Subramani

4.S.Kannan

5.S.Kaniselvam

6.K.Palanivel

7.A.Manimaran

8.K.Kannadasan

9.C.Velraj

10.C.Gunasekaran

11.P.Sundaram

12.S.Murugan



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13.K.Chandrasekaran

14.M.Tamilselvan

15.P.Govindaraj

16.P.Maruthaiveeran

17.R.Duraisamy

18.P.Sasikumar

19.T.Pandian

20.P.Kannan @ Karunakaran

21.N.Bharathi

22.MArapuli @ Eswaran

23.V.Senthil

24.N.Kumar @ Ravikumar

25.T.Senthil

26.U.Sekar

27.A.Ganesan

28.K.Kathirkaman

29.V.Andi

30.I.Sivakavi



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31.U.Subramani

32.M.Ravikumar

33.P.Kumar

34.R.Sarankumar @ Saravanan

35.S.Sivakumar

36.D.Karuppiah

37.V.Babuji

38.M.Mani @ Mahamuni

39.A.Puspanthan

40.A.Ravikumar @ Kumar

41.P.Manivel

42.K.Chidambaram

43.M.Puravi

44.A.Periyasamy

45.V.Velraj

46.K.Seerangan

47.V.Natrajan

48.V.Lakshmanan



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49.A.Ramaiyah

50.S.Osappan @ Arulsamy

51.R.Paulraj

52.R.Saravanan

53.S.Govindaraj

54.P.Veerappan

55.M.Palanivel

56.V.Palanivel

57.S.Ganesan

58.K.Battan

59.R.Sangupillai

60.K.Vikayakumar

61.M.Kandasamy

62.T.Gurudevan

63.A.Sangupillai

64.P.Sathiskumar

65.L.Paulraj @ Palraj

66.M.Sekar



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67.P.Kannan

68.V.Bakachandran

69.P.Ilayaraj

70.P.Subramani

71.M.Natrajan

72.R.Govindaraj

73.K.Yogaraj

74.R.Saravanan

75.S.Vaiyamalai

76.A.Patchamuthu

77.C.Rajinikanth

78.C.Annamalai

79.P.Subramani

... Petitioners/Accused Nos.1 to 3, A9 to 25,
27, 28, 30 to 35, 37, 39, 41, 42, 44, 46, 49 to 57, 59, 60, 66 to 70, 72, 76,
78 to 84, 86, 89, 91, 92, 94, 95, 96 & 98 to 104 & 107 to 112

VS.

1.The Inspector of Police,
Uppiliyapuram Police Station,
Thuraiyur Taluk,
Trichy District.
(Crime No.47 of 1998)

... Respondent/Complainant



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2.Chokka Nathan,
The Sub-Inspector of Police, (Rtd.,)
Uppilliyapuram Police Station,
Thuraiyur Taluk,
Trichy District.

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in P.R.C.No.19 of 2001 pending before the learned Judicial Magistrate, Thuraiyur, Trichy.

For Petitioners : Mrs.T.Seeni Syed Amma
For R1 : Mr.E.Antony Sahaya Prabhahar
Additional Public Prosecutor

ORDER

This petition has been filed to quash the proceedings in P.R.C.No.19 of 2001 pending before the learned Judicial Magistrate, Thuraiyur, Trichy.

2.Each criminal case rest on its own facts. More particularly, the quashment of criminal case on the basis of the compromise based on its own peculiar facts.



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3.The facts of the present case is that due to some unfortunate discard relating to jallikattu in the petitioners' village, there was a clash between 2 groups of people. During the said clash, number of persons sustained injuries and properties were also damaged. Due to which, two FIRs were registered in Crime Nos.46 & 47 of 1998. Crime No.46 of 1998 was registered at the instance of the villagers and Crime No.47 of 1998 was registered at the instance of the officials with a allegation that the petitioners are alleged to have obstructed the officials from discharging their duty and criminally intimidated them. After completion of investigation, final reports were filed before the learned Judicial Magistrate, Thuraiyur, Trichy, and the same were taken on file in P.R.C.Nos.18 & 19 of 2001. Seeking quashment of proceedings in P.R.C.No.19 of 2001, present petition has been filed by the petitioners.

4.The contention of the petitioners is that based on the complaint lodged by the second respondent, the first respondent registered a case against the petitioners in Crime No.47 of 1998 for the offences punishable under Sections 147, 148, 307, 332, 353, 506(ii) and



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427 of IPC and Section 3 (i) of TNPPDL Act. According to the petitioners, in CrI.OP(MD)No.12450 of 2019, this Court on the basis of the compromise made between the respondent therein and the petitioners, quashed the P.R.C.No.18 of 2001. For the same occurrence, another complaint at the instance of the second respondent with some additional allegation is made and the same was culminated into present PRC.No.19 of 2001. The defacto complainant, now retired from service consented not to precipitate the above matter and hence, continuation of this proceedings may not serve any purpose. Hence, they seek quashment of proceedings in P.R.C.No.19 of 2001.

5.This Court on earlier occasion quashed the case in P.R.C.No. 18 of 2021 in Crime No.46 of 1998 by passing the following order in CrI.OP(MD)No.12450 of 2017 dated 20.09.2017:-

“5.The parties have entered into compromise and a joint compromise Memo, signed by both parties, in the presence of their respective counsel, is filed. As per the Joint Compromise Memo it is stated that they have entered into a compromise,



purely with an intention to settle all the issues between the parties and to purchase peace, apart from preventing the parties from undergoing the ordeal of trial and the de-facto complainant, namely, the second respondent has given his consent to quash the charge sheet in P.R.C.No.18 of 2001.

6.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own will and free volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate (criminal side) through the first respondent police

7.Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the Charge Sheet in P.R.C.No.18 of 2001 on the file of the learned Judicial Magistrate, Thuraiyur, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.”



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6. Based on the submission, this Court by the order dated 28.06.2022, has directed the Investigating Agency to verify the present atmosphere of the village. The Investigating Agency has also filed a report and affirming normalcy and peace atmosphere in the village, which reads as follows:-

“ The Inspector of Police was required to visit the village and assess the ground situation and filed a report. In pursuance of the same, he visited the village and recorded the statement of some persons and has filed a report stating that now peace is prevailing in that area and both sides have understood their problem and they have also realised their mistake. So on that ground, some of the villagers have suggested that the criminal proceedings can be quashed. But, from this alone, quashment is not possible.

2. So the petitioners may bring the witnesses in this case for effecting a compromise.”

7. So, this Court in continuation of the above order, on 23.12.2022, has directed the defacto complainant to appear before this Court on 11.01.2023, which reads as follows:-



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“ The learned Additional Public prosecutor appearing for the state filed a report of the Investigating Officer enclosing the statement of the defacto complainant wherein he had expressed that he does not intend to pursue the prosecution.

Post the matter on 11.01.2023 under the same caption.

The defacto complainant is directed to be present on that day before this Court without fail.”

8.As per the order of this Court dated 23.12.2022, the defacto complainant appeared before this Court on 15.02.2023, and submitted as follows:-

“ In compliance of the order of this Court, dated 23.12.2022, the defacto complainant, who is a retired Deputy Superintendent of Police is present today. He seeks time to file compromise memo on the ground that the issue between the parties has been resolved amicably. He specifically stated before this Court that he agreed for compromise and also undertook to file an affidavit and he requested to dispense with his further appearance for the next hearing and sought time for



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filing of the affidavit.

2.For filing affidavit by the defacto complainant, post the matter on 22.02.2023.”

9.The petitioners appeared in person along with their respective counsel. They were also identified by Mr.Sebastian Santhiyagoo, Sub-Inspector of Police, Uppilliyapuram Police Station, Thuraiyur Taluk, Trichy District. This Court enquired the petitioners and perused the affidavit filed by the defacto complainant and recorded the affidavit filed by the second respondent/defacto complainant.

10. This Court considering the above sequence of the events and restoration of the peaceful atmosphere in the petitioners' village and the same is continuously prevailing as on date and the second respondent also expressed his intention not to precipitate the matter by filing affidavit and also taken note of the number of the petitioners died and the some of the allegations in PRC.No.18 of 2001 is also form part of this PRC.No.19 of 2001 and further taken into account of quashing of PRC.No.18 of 2001 in CrI.OP(MD)No.12450 of 2019, this Court exercise its inherent power



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under Section 482 of Cr.P.C in the interest of the villagers to erase their wound developed as a result of the above inadvertent incident from their heart and mind and to maintain normalcy, this Court treating this case as a special case and quash the proceedings in PRC.No.19 of 2001 by invoking the inherent jurisdiction under 482 of Cr.P.C. Moreso ever, the ordeal of the trial is not going to serve any purpose.

11. In the result, the Criminal Original Petition stands allowed and the entire proceedings in P.R.C.No.19 of 2001 pending before the learned Judicial Magistrate, Thuraiyur, Trichy, is hereby quashed in respect of the petitioners and the affidavit filed by the second respondent/defacto complainant dated 22.02.2023 shall form part of this order. Consequently, the connected miscellaneous petition is closed.

22.02.2023

dss

NCC : Yes/No

Internet: Yes

Speaking/Non-Speaking order



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K.K.RAMAKRISHNAN,J.

dss

1. The Judicial Magistrate, Thuraiyur,
Trichy.
2. The Inspector of Police,
Uppiliyapuram Police Station,
Thuraiyur Taluk,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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