



Crl.O.P.(MD)No.19797 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **28.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.19797 of 2021
and Crl.M.P.(MD)No.11130 of 2021

Ramachandran

... Petitioner

Vs.

1.The Inspector of Police,
Villur Police Station,
Madurai District, Madurai.

(In Crime No.64 of 2011) ... 1st respondent / Complainant

2.S.Murugan ... 2nd Respondent /Defacto complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C,to call for the records in Spl.S.C.No.204 of 2021, in Crime No.64 of 2021 on the file of the Sessions Judge, Special Court for SC/ST Cases, Madurai, as against the petitioner and quash the same.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side) for R1

: No appearance for R2



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ORDER

This petition is filed to quash the case in Spl.S.C.No.204 of 2021, in Crime No.64 of 2021, on the file of the Sessions Judge, Special Court for SC/ST Cases, Madurai.

2. The allegation against the petitioner is that on 01.05.2011, 182 persons unlawfully assembled before the Kalamman Temple with deadly weapons and they went to Keelatheru and they attacked the defacto complainant and his wife and they damaged the defacto complainant's house, cycle, Tractor worth about Rs.5,000/- and they tried to kill the defacto complainant. A case was registered in Crime No.64 of 2011, under Sections 147, 148, 452, 307 of I.P.C r/w. Sections 3(1)(v), 3(1)(x) of SC/ST Act and Section 3(1) of TNPPDL Act r/w Section 149 of I.P.C and the FIR Was registered against 182 persons and 11 of the accused were arrested. On 30.04.2011 three more cases in Crime Nos.63, 65 and 66 of 2011 were registered relating to the same occurrence.

3. Though notice was served on the second respondent, he failed to appear before this Court.



4. On the side of the petitioner, it is stated that the defacto complainant-Murugan and his brother - Thangapandi were residing in the village and there was a wordy quarrel between Thangapandi and five others. Based on that on 30.04.2011, at about 10.00 pm., the defacto complainant's brother attacked the accused and a case in Crime No.63 of 2011 was registered against 17 persons. On 01.05.2011, when the village elders tried to compromise the matter, due to the intervention of some political party, a dispute between two communities arose and a case against 182 persons including the petitioner was registered in Crime No. 64 of 2011 and similar cases were registered on the same date in Crime No.65 to 71 of 2011. In Crime No.64 of 2011, charge sheet was filed and the same was taken on file in P.R.C.No.13 of 2011, by the Judicial Magistrate, Peraiyur and the case was forwarded to the III Additional District Court (PCR) Cases, Madurai and was renumbered as Spl.S.C.No. 204 of 2014.

5. On 24.01.2014, a Peace Committee Meeting was constituted and a compromise was effected before the D.R.O. and both the parties agreed to withdraw the cases. Based on the compromise, the Tamil Nadu Government withdraw 11 cases in connection with the above dispute. The petitioner was recruited as a Soldier in the Indian Army. At



the time of occurrence, the petitioner was a minor and the name of the petitioner was wrongly included in the case. But, the petitioner was dismissed from service on 06.08.2018, due to the pendency of this case. If the case is quashed, the petitioner may get an opportunity to be reinstated in the Army Service.

6. On the side of the prosecution, it is stated that the State Government has addressed the Central Government for permission to withdraw the cases, except Crime Nos.63 to 66 of 2011, all other cases were withdrawn by the Government. Since permission was not granted in this particular case, the case could not be withdrawn by the State Government.

7. A verification of the records reveals that the State Government has addressed the Central Government in Letter No. 3241/L&O, B/2016-18, dated 23.04.2018, recommending for permission to withdraw Crime Nos.63 to 66 of 2011 of Villur Police Station.

8. On the side of the petitioner, a copy of the School Leaving Certificate (S.S.L.C & H.S.C.) was filed, wherein, the date of birth of the petitioner was mentioned as 15.05.1994. In the Aadhar card



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of the petitioner, the date of birth was mentioned as 15.05.1994. The date of occurrence was 01.05.2011. It is clear that at the time of the alleged occurrence, the petitioner was aged about 16 years and he was a minor at that time. A perusal of the Government Order reveals that the State Government has recommended for the withdrawal of the cases. It is seen that the connected cases were already withdrawn and the accused, who are all involved in that cases, were set free by the Court. Copies of documents to prove that the cases in Crime Nos.67 to 70 of 2011 were closed on 01.11.2018 as withdrawn by the Government. Copy of the Court order pertaining to Crime Nos.67 to 70 of 2011 were annexed with the typed set. Appointment order of the petitioner and the dismissal order were also annexed with the typed set.

9. In view of the above circumstances, it is decided that this case against the petitioner is a fit to be quashed. Hence, this Petition is allowed and the case against the petitioner in Spl.S.C.No.204 of 2021, in Crime No.64 of 2021, on the file of the Sessions Judge, Special Court for SC/ST Cases, Madurai, is hereby quashed. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
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R.THARANI. J.

Ls

To

- 1.The Sessions Judge, Special Court for SC/ST Cases,
Madurai.
- 2.The Inspector of Police,
Villur Police Station,
Madurai District, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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