



Crl.O.P.(MD)Nos.20011 & 20549 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.11.2023

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).Nos.20011 and 20549 of 2021

Crl.O.P(MD).No.20011 of 2021:

1. Ranjith
2. Veera Lakshmi
3. Rani
4. Vinoth Kumar
5. Supputhai
6. Mariammal
7. Ramachandran ... Petitioners/Accused No.1 to 4 & 6 to 8

Vs.

1. The State Rep., by the
Inspector of Police,
Batalagundu Police Station,
Batalagundu,
Dindigul District.
(Crime No.435/2012) .. 1st Respondent/ Complainant
2. Thangaraj .. 2nd Respondent /Defacto-Complainant



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PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in Spl.S.C.No.87 of 2019 dated 03.09.2013 in the court of the Principal Sessions Judge, Dindigul and quash the same as illegal.

For Petitioners	: Mr.B.Ganesh Ram
For Respondents	: Mr.P.Kottaichamy, Government Advocate (Crl.Side) for R1
	: Mr.S.Vellaichamy for R2

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1. Thangaraj
 2. Aruna
 3. Kishore
 4. Malarmannan
 5. Babu
 6. Raja
 7. Ramesh
 8. Navaneethan
 9. Ramasamy
 - 10.Palanivelu
- .. Petitioners/Accused 1 to 8 & 10, 11

Vs.



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1. The State Rep. by

The Inspector of Police,
Batalagundu Police Station,
Batalagundu,
Dindigul District.
(Crime No.281/2012)

.. 1st Respondent/ Complainant

2. Ranjith

.. 2nd Respondent /Defacto-Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned charge sheet in P.R.C.No.30 of 2013 dated 24.07.2013 in the Court of the Judicial Magistrate, Nilakottai and quash the same as illegal.

For Petitioners : Mr.S.Vellaichamy

For Respondents : Mr.P.Kottaichamy
Government Advocate (Crl.Side)
for R1

: Mr.B.Ganesh Ram for R2

COMMON ORDER

Since the issue involved in these two cases are one and the same, these two cases are taken up together for hearing and disposed of by way of this common order.



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This petition is filed to quash the charge sheet in Spl.S.C.No.87 of 2019 dated 03.09.2013 on the file of the learned Principal Sessions Judge, Dindigul.

2. The case of the prosecution is that one Thangaraj is the Landlord. The accused Nos.1&2 are the tenant of the said Thangaraj. A1 and A2 made the frequent quarrel with the other tenants and Thangaraj. In the said circumstances, there is a scuffle between the parties and hence, the defacto complainant-Thangaraj said to have assaulted by the petitioners herein. The petitioners also alleged that the defacto complainant-Thangaraj made assault upon them. In the said circumstances, two cases were registered in Crime No.281 of 2012 and Crime No.435 of 2012 on the file of the first respondent police. In the present compliant, it is the specific allegation that the petitioners abused the defacto complainant using his caste name and hence, the investigating agency registered the FIR and subsequently final report filed under Sections 147, 148, 324, 354 IPC, 506(ii) r/w Section 3(i)(x) of the SC/ST Act and 294(b) IPC r/w 3(i)(x) of the SC/ST Act. The same



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was taken on file in Spl.S.C.No.87 of 2019 dated 03.09.2013 in the court of the Principal Sessions Judge, Dindigul. Hence, the petitioners approached this Court to quash the charge sheet.

3. Upon the perusal of the final report, it is stated that the accused abused the defacto complainant using his caste name. The said averment in the considered opinion of this Court, is false. The tenants know the fact that the defacto complainant belongs to SC/ST. In the said circumstances, the version of the defacto complainant that the petitioners abused his caste name with intention to humiliate the defacto complainant is not correct. Hence, this Court quashed the proceedings under Sections 3(i)(x) of SC/ST Act. Insofar as the remaining offence is concerned, now the parties entered into compromise and all the offences are compoundable offence. Hence, this Court is inclined to allow this petition recording the compromise entered between the parties.

4. This Court also perused the compromise memo and found that the dispute is only private in nature. The learned Government Advocate (Criminal Side), on instructions submitted that there is no law and order



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problem in the said locality. Hence, this Court is inclined to quash this petition accepting the terms stated in the compromise memo.

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5. This petition is filed to quash the charge sheet in P.R.C.No.30 of 2013 dated 24.07.2013 on the file of the learned Judicial Magistrate, Nilakottai.

6. This is a counter case given by the tenant against the Landlord Thangaraj and others. The case of the prosecution is that one Thangaraj is the Landlord. The defacto complainant is the tenant of the said Thangaraj. In the said circumstances, when the said Thangaraj went to the tenant's house to ask them to vacate the house, the tenants seeks some time to vacate the house. At that time, the said Thangaraj/A1 in this case used some unparliamentary words against the tenants. Thereafter, the next day, A1 along with his wife, son and some of his associates went to the house of the tenants and attacked the defacto complainant/2nd respondent herein with Bill hook in his neck. During the attack, one of the brother of the defacto complainant got severe injury in his hand and



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the son of A1 along with his associates pelted the stone on the second respondent due to which he was admitted in the Government Hospital at Batlagundu. From the hospital, the respondent police received the complaint and registered FIR in Crime No.281 of 2012 against the petitioners under Sections 147,148,294(b), 323, 324 and 307 IPC altered into 147, 148, 294(b), 307 r/w 149 IPC and subsequently final report filed under Sections 147, 148, 294(b), 307 r/w 149 IPIC. The same was taken on file in P.R.C.No.30 of 2013 dated 24.07.2013 on the file of the learned Judicial Magistrate, Nilakottai. Hence, the petitioners approached this Court to quash the charge sheet.

7. Now the parties entered into compromise and all the parties have no previous antecedents. Today all the parties are appeared. Mr.K.Ramamoorthy, Sub Inspector of Police, Batlagundu Police Station, Batlagundu, Dindigul District also present and identified the parties. He also made the submission that there is no law and order problem in the locality. This is only a dispute between the land lord and tenant. Even though Section 307 IPC is non-compoundable offence, in view of the fact that no previous antecedents and also the dispute is relating to the



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eviction proceedings, this Court is inclined to quash this petition.

8. The petitioners cases are come under the guidelines issued by the Hon'ble Supreme Court in 2019 5 SCC 688 in the following paragraph No.15.1 and hence, this Court is inclined to accept the compromise and quash the proceedings by exercising the power under Section 482 of Cr.P.C:

“15.1.That the power conferred under Section 482of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves”.

9. In view of the above submissions made by the learned Government Advocate (Criminal side) and the investigating officer and also considering the compromise memo entered between the parties,



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these two Criminal Original Petitions are allowed. The charge sheet in Spl.S.C.No.87 of 2019 dated 03.09.2013 on the file of the learned Principal Sessions Judge, Dindigul and the charge sheet in P.R.C.No.30 of 2013 dated 24.07.2013, on the file of the learned Judicial Magistrate, Nilakottai are hereby quashed. The compromise memo filed by the parties shall be form part of the order.

23.11.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJJ

To

- 1.The Principal Sessions Judge, Dindigul.
2. The Judicial Magistrate, Nilakottai.
3. The Inspector of Police,
Batalagundu Police Station,
Batalagundu, Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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