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Crl.OP.No.9684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.9684 of 2024

and

Crl.M.P. Nos.6728 and 6729 of 2024

1.B.Saleem

2.Babu

3.Akdhar Syed Batcha

... Petitioners

Vs.

1.State by

The Deputy Superintendent of Police,
Molasi Police Station, Namakkal.

2.Senthilkumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records in Special S.C. No.10 of 2023 on the file of Special Judge, Special Court for SC/ST Cases, Namakkal and quash the same.

For Petitioners : Mr.S.Patrick

For Respondents : Mr.S.Udaya Kumar,
Govt. Advocate (Crl. Side) for R1



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ORDER

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On 05.10.2022, the Sub-Inspector of Police attached to Molasi Police Station, Namakkal District registered two complaints, one given by Senthil Kumar as against Babu, Bargath Salim and ten others for the alleged offence under Sections 147, 448, 427, 323 of IPC and 3(1)(r), 3(1)(s), 32(va) of SC/ST (Prevention of Atrocities) Act. The said complaint was registered in Cr.No.110 of 2022 dated 05.10.2022. The other complaint was by one Sharmila against Senthil Kumar, Vennila and Santhosh @ Sathiyasree, Kavitha and Kamila for the offence under Sections 147, 148, 294(b), 323 and 307 IPC, the same was registered in Cr.No.111 of 2022 dated 05.10.2022.

2. The complaint and complaint in counter had arose in-connection with house property owned by Vennila which was sold for Rs.22,00,000/- to the neighbour Salim and the sale deed was duly registered on 15.07.2023. While so, when the vendor were occupying the house sought to be vacated , quarrel arose between them. While the vendor Senthil Kumar has alleged that the said Salim and his family members more than ten in numbers attacked him and called him by caste



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name and abused them, the counter complaint by Sharmila alleges that when the daughter went to the property with Mason to repair the bath room, Vennila and her daughter Sathiyasree have brutally attacked her and her daughter. Senthil Kumar molested the modesty of her daughter by tearing the Chudidhar.

3. The respondent police has taken up both the cases for investigation and has filed final report in Cr.No.110 of 2022 for the offence under Sections 3(1)(r), 3(1)(s) 3(2)(va) of SC/ST(Prevention of Atrocities) Act and Section 323, 451 and 34 of IPC. The said final report taken on file by the Special Court for SC/ST cases in Spl.SC.No.10 of 2023. Whereas the complaint given by Senthil Kumar on investigation, final report filed before the learned Judicial Magistrate, Kumarapalayam and it is in pre committal stage. In the final report, Senthil Kumar, Vennila, Santhosh @ Sathiyasree, Kavitha and Kamela are the accused for the offence under Sections 147, 148, 294(b), 323, 354, 307 of IPC.

4. Crl.OP.No.9684 of 2024 is filed by the accused in Spl.SC.No.10 of 2023. It is contended that they have purchased the property from Vennila for valuable consideration and allow them to occupy the house



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for a month. Though they promised to vacate the house, they failed to do it. Having received Rs.22,00,000/- towards the sale consideration and executed the sale deed to avoid the delivery of the possession and to counter blast they have deadly attacked on her daughter Kathisa, false complaint been given and the same has to be quashed.

5. This Court hearing the submissions made by the counsel for the petitioners and the records pertaining to Spl.SC.No.10 of 2023 arising out of Cr.No.110 of 2022 and the records pertaining to Cr.No.111 of 2022, caused notice to the defacto complainant in Cr.No.110 of 2022. The said Senthil Kumar along with his wife mother and daughter Sathosh @ Sathiyasree were present before this Court on 26.07.2024.

6. Senthil Kumar being a dumb person, his mother and daughter who accompanied him, informed this Court that they have no objection to quash their complaint against the petitioners provided the complainant withdraw their complaint against them. Parties were directed to file affidavits to that effect. Accordingly, on behalf of the petitioners, Sharmila who is the defacto complainant in Cr.No.111 of 2022 had filed an affidavit that the dispute regarding the house sold by Vennila been



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amicably sold by paying an additional sum of Rs.5,00,000/- apart from the original sale consideration of Rs.22,00,000/-. Vennila and her family has already vacated the premises, handing over the possession to her. Therefore, they have not interested in prosecuting them in Cr.No.111 of 2022.

7. Similarly, Santhosh @ Sathiyasree, D/o.Senthil Kumar has given a letter written in her own handwriting stating that they want to withdraw the complaint given against Salim, Babu and others, since both the parties have mutually agreed to withdraw their respective complaints and not to pursue the matter further.

8. This Court after analysing the nature of complaints finds that the complaint which is the subject matter of Crl.OP.No.9684 of 2024 apparently the counter blast to shield themselves against their criminal act of assault and molestation. Since both the parties have now come to terms and settle their disputes and also Sharmila who is the complainant against Senthil Kumar and others had given an affidavit that she wants to withdraw her complaint in order to prevent abuse of law and to meet the ends of justice, this Court allows the Crl.OP.No.9684 of 2024 and quash



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the Spl.SC.No.10 of 2023 also quash PRC.No.12 of 2024 arising out of an FIR 111 of 2022 pending on the file of learned Judicial Magistrate, Kumarapalayam. Consequently, the connected miscellaneous petitions are closed.

9. The Investigating Officer shall inform the Judicial Magistrate Court, Kumarapalayam and the Special Court, Namakkal about the order and record the same.

29.07.2024

Vv

To

1. The Deputy Superintendent of Police,
Molasi Police Station, Namakkal.
2. The Special Judge,
Special Court for SC/ST Cases, Namakkal.
3. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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