



Crl.O.P.(MD)No.5379 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/01/2024

**CORAM**

The Hon'ble Mr.Justice **G.ILANGOVAN**

**Crl.OP(MD)No.5379 of 2023**

**and**

**Crl.MP(MD)Nos.4752 and 4754 of 2023**

- 1.Kursith Alamkhazhan
- 2.Murugesan
- 3.Thangarasu
- 4.Ganesan
- 5.Subramaniyan @ Palanisamy : Petitioners/A1 to A5

Vs.

- 1.The Deputy Superintendent of Police,  
Illupur Division,  
Illupur Police Station,  
Pudukottai District.
- 2.The State represented by  
The Sub Inspector of Police,  
Iluppur Police Station,  
Pudukottai District.  
(Crime No.33 of 2019) : Respondents 1 and 2/  
Complainants
- 3.Subramaniyan : 3<sup>rd</sup> Respondent/  
De-facto Complainant
- 4.Palanivelu  
(R4 is impleaded as per the  
order of this court, dated  
18/12/2023 in Crl.MP  
No.17890 of 2023 in  
Crl.OP(MD)No.5379 of 2023) : 4<sup>th</sup> Respondent

**PRAYER:-**Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of the impugned proceedings in Special S.C No.151 of 2019 on the file of the Special Court for



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Trial of SC/ST (POA) Act Cases Court, Pudukottai District and quash the same as illegal in so far as these petitioners are concerned and pass such other or other orders.

For Petitioners : Mr.V.Kathirvelu  
Senior Counsel  
for M.Rajarajan

For R1 and R2 : Mr.M.Sakthi Kumar  
Government Advocate  
(Criminal side)

For 3<sup>rd</sup> Respondent : Mr.R.Maheswaran

For 4<sup>th</sup> Respondent : Mr.P.Muthusamy

### **O R D E R**

This criminal original petition has been filed seeking quashment of the impugned proceedings in Special S.C No.151 of 2019 on the file of the Special Court for Trial of SC/ST (POA) Act Cases Court, Pudukottai District.

#### **2.The case of the prosecution in brief:-**

The third respondent herein lodged a complaint against the petitioners stating that he belongs to SC community. The accused persons belong to various communities. He was working under one Kalibudeen. He was also working under the 4<sup>th</sup> respondent namely Palanivelu in their coconut groves. A2 namely Murugesan constructed a house in the pathway belongs to the 4<sup>th</sup> respondent. He



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entered into quarrel with the 4<sup>th</sup> respondent over the use of the pathway. So there was enmity between them. On 13/02/2019 at about 03.00 pm, when the de-facto complainant namely the second respondent herein was standing in the pathway, the accused came there with deadly weapons, abused him in filthy language and called him in his caste name, caused criminal intimidation. Apart from that, they also caused damage to the stones pelted in property. On the basis of the above said complaint, a case in Crime No.33 of 2019 was registered for the offences under sections 147, 148, 294(b), 506(2), 427 of IPC and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015. After investigation, charge sheet has been filed and it was taken in Special SC No.151 of 2019 by the Special Court for Trial of SC/ST (POA) Act cases, Pudukottai.

3. Seeking quashment of the criminal proceedings, on the basis of the compromised reached between the third respondent and the petitioners, this criminal original petition is filed.

4. Heard both sides.



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5.This is the second petition seeking quashment. The earlier petition filed by the petitioners came to be dismissed by this court, on 12/04/2022. When it was brought to the notice of this Court, one Palanivelu appeared through his counsel, who is the fourth respondent herein and made objection to quash the proceedings, on the basis of the compromise reached between the petitioners and the third respondent. At that time, the third respondent has also appeared before this court and stated that without his knowledge and consent, his signature was obtained in the compromise document and filed it. Finding that a serious issue is involved, the petition was dismissed by imposing costs upon the petitioners. Subsequent to that only, the present petition came to be filed.

6.A query was raised by this court as to how the second petition is maintainable. Already the third respondent appeared before this court and has stated that without his knowledge and consent, the signature was obtained in the compromise deed. For which, the learned Senior counsel appearing for the petitioners would submit that the fourth respondent is a trouble maker. The third respondent is an innocent person and he is misusing him. Apart from that, it is also submitted that the 4<sup>th</sup>



respondent is the owner of the property to some third party.

7.The 4<sup>th</sup> respondent is also present before this court and made similar objection to allow the petition stating the issue of earlier order. He would submit that he is the real aggrieved person, because the planting trees and stones pelted were damaged by the accused belongs to him. So the third respondent cannot enter into the compromise with the petitioners.

8.But the third respondent is making some sort of allegation against the 4<sup>th</sup> respondent in this issue. Now whatever it may be, the issue between the third respondent and the fourth respondent may not stand in the way of entertaining this petition in view of the compromise reached between the 3<sup>rd</sup> respondent and the petitioners over the Special Act. The compensation amount received by the third respondent is also returned to the Government. It is also verified by the learned Government Advocate (Criminal side) appearing for the State.

9.The learned Senior counsel appearing for the petitioners would submit that so far as the offences under section 294(b), 506(2) of IPC and sections 3(1)(r),



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3(1)(s) and 3(2)(va) of the SC/ST (PoA) Act, which are concerning the third respondent may be quashed in terms of the compromise reached between them. The offence under sections 147, 148 and 427 of IPC may be permitted to go on.

10. Even though, this court rejected the prayer, as rightly contended by the learned Senior counsel appearing for the petitioners, the de-facto complainant namely the third respondent may not support the prosecution case over the allegations specified during trial. No purpose is also going to be served in directing the petitioners. No trial process in respect of those evidence.

11. No doubt that the third respondent is speaking in different tone. But when the matter was posted for clarification, he also appeared before this court and at that time, he told that the fourth respondent is the main problem creator and he only cheated him. But those things cannot be taken at this stage.

12. As mentioned above, the issue between the fourth respondent and third respondent has to be sorted out among themselves. In that event, the petitioners may not be involved.



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13.On that account, on the basis of the compromise reached between the parties namely the third respondent and the petitioners, the offences punishable under sections 294(b), 506(2) of IPC and sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (PoA) Act are liable to be quashed as against the petitioners and accordingly, it is quashed. The trial court is permitted to proceed with the trial for the offences under sections 147, 149 and 427 of IPC against the petitioners and the same shall be disposed of within a period of five months from the date of receipt of a copy of this order.

14.It is also made clear that the matter need not be transferred to the jurisdictional Magistrate Court. The Special Court can itself try the offences as indicated above in accordance with law.

15.In the result, this criminal original petition is **allowed** as indicated above. Consequently, connected Miscellaneous Petitions are closed.

19/01/2024

Index:Yes/No  
Internet:Yes/No  
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To,

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- 1.The Special Court for  
Trial of Sc/ST (POA) Act Cases,  
Pudukottai District.
- 2.The Deputy Superintendent of Police,  
Illupur Division,  
Illupur Police Station,  
Pudukottai District.
- 3.The Sub Inspector of Police,  
Iluppur Police Station,  
Pudukottai District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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G.ILANGOVAN, J

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