



CRL OP(MD). No.5785 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.08.2024

CORAM

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.5785 of 2023

and

Crl.M.P.(MD)Nos.5040 of 2023 and 5041 of 2023

- 1.Bharathi
- 2.Vikaram
- 3.Krishnakumar
- 4.Anand @ Muruganantham
- 5.Thiayagarajan
- 6.Vijayakumar
- 7.Gobinath
- 8.Kalaiarasan
- 9.Balu @ Balusubramanian
- 10.S.Arun @ Arunkumar
- 11.R.Arunkumar
- 12.S.Pandi
- 13.Elavarasan

... Petitioners/ A1 to 11,13&14

Vs.



CRL OP(MD). No.5785 of 2023

1.The State rep. by
The Deputy Superintendent of Police,
Dindigul Rural Sub Division,
Dindigul District.

2.The State rep. by
The Inspector of Police,
Natham Police Station,
Dindigul District
(Crime No.42 of 2016)

3.Ramar ... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to call for the records in Spl. S.C.No.44 of 2022 on the file of the Special Court for Exclusive Trial of SC and ST Cases, Dindigul and quash the same insofar as the petitioners concerned.

For Petitioners : Mr.B.Vinoth Kumar

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor for R1

: Mr.K.V.Rajadurai for R2



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ORDER

This Petition is filed to quash the case in Spl. S.C.No.44 of 2022 on the file of the Special Court for Exclusive Trial of SC and ST Cases, Dindigul.

2. The learned counsel for the petitioners seeks quashment of the case in Spl. S.C.No.44 of 2022, on compromise. The case is under Sections 147, 148, 341, 294(b)336, 427 I.P.C r/w. Section 3(1)(x) of SC/ST Act. The provisions, under which the case is registered, are serious in nature. Therefore, this Court cannot go by the version of the defacto complainant alone and as per the judgment of the Hon'ble Supreme Court of India in ***Gian Singh vs State of Punjab & Another*** reported in ***2012(10) SCC303*** and followed in the later judgments, the entire gamut of the case has to be looked into by this Court.

3. Firstly, the defacto complainant is not willing to proceed with the case and the fact that he will not be in a position to support the prosecution case and that there is only a nil possibility of the prosecution



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securing the conviction is also taken into account. In view of the settlement between the parties and the defacto complainant even redeposited the compensation amount back to the Court. Secondly, on consideration of the statements, which are given by the witnesses, it can be seen that the gamut of the allegation is that the petitioners came in a group and they called the defacto complainant by using the caste name and also damaged the tube light and other things. It can be seen that the offence is in the nature of committing a nuisance in public, while calling the defacto complainant the caste name. Therefore, on a closer scrutiny of the various statements given by the listed witnesses and the final report filed, I am of the view that the case borders in the nature of a private dispute between the defacto complainant and the petitioners herein with especially with reference to a cart track. In view thereof, even though the case was registered under the stringent provisions, it can be seen that the gravamen of the offences in the complaint of such nature, where this Court can exercise its jurisdiction under Section 482 of the Code of Criminal Procedure and quash the case.



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4. In view thereof, for all the above reasons and for the findings earlier that the matter has since settled between the parties and it is also reported that the defacto complainant has redeposited the compensation amount to the Government and in view of the earlier orders passed in this matter to redeposit the compensation amount and in view of the aforesaid findings regarding the merits of the case also, I am inclined to quash the proceedings, treating it as an extraordinary case.

5. Accordingly, this Criminal Original Petition is allowed and the case in Spl. S.C.No.44 of 2022 on the file of the Special Court for Exclusive Trial of SC and ST Cases, Dindigul, shall stand quashed. The joint compromise memo shall part and parcel of the order. Consequently, connected Miscellaneous Petitions are closed.

29.08.2024

Internet : Yes
NCC : Yes/No
Index : Yes/No
LS



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D.BHARATHA CHAKRAVARTHY,J

LS

TO

1. The Special Court for Exclusive Trial of SC and ST Cases,
Dindigul.
2. The Deputy Superintendent of Police,
Dindigul Rural Sub Division, Dindigul District.
3. The Inspector of Police,
Natham Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.5785 of 2023

Date : 29.08.2024