



CRL.OP(MD). Nos.15281 and 12062 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP(MD). Nos.15281 and 12062 of 2023

and

CRL.MP(MD). Nos.9517, 12122 and 12124 of 2023

In CRL.OP(MD). No.15281 of 2023:

- 1.Rajamani
- 2.Muthuerulan
- 3.Pachakili (Panchari)
- 4.Rajamani
- 5.Chinnaveeranan
- 6.M.Muthuvel
- 7.Ganesan
- 8.Selvakumar
- 9.Muthupandian
- 10.Chinamurugan
- 11.Muthupandi
- 12.Chinnasamy



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13.Muthuselvam

14.Pandiyarajan

15.Muthirulan

16.Muthukrishnan

17.V.Nallasamy

18.Rasummal

19.Ramuthai

20.Pappa

21.Muthammal

22.Muthumani

... Petitioners/Accused 1 to4,
6 to 8, 10 to 14, 16 to 20, 22 to 25, 27 & 28

Vs.

1.The State rep by,
The Sub-Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.98 of 2022)

... 1st Respondent /
Complainant

2.Jeyaram

... 2nd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the
Code of Criminal Procedure, to call for the records pertaining to the



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proceedings in C.C.No.454 of 2022 on the file of the learned Judicial

Magistrate, Peraiyur, Madurai and quash the same.

For Petitioners : Mr.P.Manikandan
For R1 : Mr.A.Albert James,
Government Advocate
(Crl. Side)

In CRL.OP(MD). No.12062 of 2023:

- 1.Duraipandi
- 2.Senthil @ Ayyanan
- 3.Erulappan
- 4.Chandra Murugan
- 5.Murugan
- 6.Guruvu Jothi
- 7.Sasi
- 8.Muthupandi
- 9.Muthumani
- 10.Nallu
- 11.Balamurugan
- 12.Sivaperumal

... Petitioners /
Accused 1 to12



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Vs.

1.The Deputy Superintendent of Police,
Peraiyur,
Madurai District.

2.State rep by,
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.97 of 2022)

... 1st and 2nd Respondents /
Complainants

2.Jeyaram

... 3rd Respondent /
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in Spl.S.C.No.116 of 2022 on the file of the Court of Special Court for Trial Cases under SC/ST Act (POA), Madurai.

For Petitioners : Mr.S.M.Anantha Murugan

For R1 & R2 : Mr.A.Albert James,
Government Advocate
(Crl. Side)

For R3 : NA

COMMON ORDER

Both these quash petitions arise out of a case and counter case registered in Crime Nos.97 and 98 of 2022 which culminated into two



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separate police reports which were taken on file in C.C.No.454 of 2022 by the learned Judicial Magistrate, Peraiyur and Spl.S.C.No.116 of 2022 before the learned Special Court for Trial of Cases under SC/ST (POA), Madurai.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. On carefully going through the materials placed before this Court and on considering the submissions made on either side, it is seen that there was a dispute between two communities during a temple festival that took place on 11.04.2022. Both the sides seem to have attacked each other and hence, complaint was given from both sides. The police found that both sides have exceeded their right of private defence and committed offence and therefore, police report was filed in both the cases.

4. The entire incident had happened in the spur of the moment and also due to the fact that both sides belong to different communities.



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Mr.P.Kasiraja, Sub-Inspector of Police, Peraiyur Police Station, Madurai District was present before this Court. This Court enquired the police officer regarding the situation that this prevailing as on today. He stated that the situation is peaceful and that both the sides are normal towards each other.

5. In the considered view of this Court, if both the sides are now made to undergo trial before the Court below by clubbing both the cases, once again there will be heightened tension and there will be revival of the dispute. It will only pave way for a fresh dispute between the parties. Considering the fact that both the parties have now become normal and piece is prevailing in the village, it will be more appropriate to quash both the cases and continue with the peaceful atmosphere in the village. Sometimes, this Court has to exercise its jurisdiction under Section 482 of CrPC by considering these aspects also. Now that both the sides do not want to prosecute the case as was submitted by the learned counsel appearing on either side, no useful purpose will be served in keeping the proceedings pending.



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6. In the light of the above discussion, the proceedings in C.C. No. 454 of 2022 pending on the file of the learned Judicial Magistrate, Peraiyur and Spl.S.C.No.116 of 2022 pending on the file of the learned Special Court for Trial of Cases under SC/ST (POA), Madurai are hereby quashed in its entirety and both the petitions stands allowed.

05.12.2024

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

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To

1. The Judicial Magistrate,
Peraiyur, Madurai .
2. The Special Court for Trial of Cases under SC/ST (POA),
Madurai .
3. The Sub-Inspector of Police,
Peraiyur Police Station,
Madurai District.
4. The Deputy Superintendent of Police,
Peraiyur,
Madurai District.



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5. The Inspector of Police,
Peraiyur Police Station,
Madurai District.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

pal

Order made in
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