



CrI.O.P(MD)No.21076 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.OP(MD). No.21076 of 2023

and

CRL.MP(MD). No.16514 of 2023

1. Kaneeshkar @ Kanishkar

2. Saran ...Petitioners / Accused Nos. 6 & 7

Vs.

1. The State, represented by its,
The Deputy Superintendent of Police,
Paramakudi Sub-Division,
Ramanathapuram.

2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.133 of 2023)

... Respondents 1 & 2 /
Complainants

3. Goutham

... 3rd Respondent /
De-facto Complainant

4. Jesudoss

5. Chelladurai

6. Purusothaman

1/7



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7. Pugazhenth

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8. Arunkumar ... Respondents 4 to 8
(R4 to R8 are suo moto impleaded
as per order of the Court dated 27.11.2023
in Crl.OP(MD).No.21076 of 2023)

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in relating to the impugned charge sheet in Spl. S.C.No. 40 of 2023 on the file of the learned Special Court for Exclusive Trial of cases under SC/ST(POA) Act, 1989, Ramanathapuram and to quash the same.

For Petitioners	:	M/s. M.S.Jeyakarthik
For R1 and R2	:	M/s.M.Aasha Government Advocate (Crl. Side)
For R3	:	Mr. A.Karthick
For R4 to R6 & R8:		Mr. M.P.Balaganesh
For R7	:	NA

ORDER

This Criminal Original Petition is filed with the prayer to call for the entire records in relating to the impugned charge sheet in Spl.S.C.No. 40 of 2023 on the file of the learned Special Court for Exclusive Trial of



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cases under SC/ST(POA) Act, 1989, Ramanathapuram and to quash the same.

2. The learned counsel for the petitioners seeks quashment of the case on compromise. The joint compromise memo is also filed. On the last occasion, the parties appeared before this Court and upon enquiry, they seemed to understand the terms of compromise. The de-facto complainants / victims submitted that they are not willing to press their allegations and that the case can be quashed on compromise.

3. This is an offence under the SC/ST (Prevention of Atrocities) Act, 1989. Therefore, when the offence is serious in nature, this Court cannot go only as per the request of the victims alone. This Court has to take into consideration the overall facts and circumstances of the case and thereafter, decide whether it is a fit case for exercising the powers or not.

4. On a perusal of the statements, which are contained in the final report, it can be seen that this is an occurrence which happened inside the



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campus of the college. All the victims, as well as the petitioners, were studying and working in the same college. On account of the groupism, the occurrence had happened. However, it is also mentioned that the cast name was mentioned while the occurrence happened.

5. Considering the overall facts and circumstances of this case, my predecessor has referred the matter to mediation and in the mediation the parties have settled the issue. When the matter came up for recording the compromise, the learned Government Advocate submitted that the victims have received compensation. Therefore, the matter was adjourned for the victims to repay the compensation. Already it is also reported that the victims have repaid the compensation and the fact has also been verified by the learned Government Advocate.

6. In view of thereof, in view of the nature of the dispute, I am of the view that this is a fit case, where this Court can exercise its extraordinary powers under Section 482 of the Code of Criminal Procedure, to quash the proceedings in respect of the petitioners as well as the respondents except the 7th respondent herein. The 7th respondent



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specifically pleads that he has to contest the case on its merits.

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7. For all the above reasons, except for accused no.4/Pugazhenth, in respect of all the other accused, the case in Spl.S.C. No. 40 of 2023 on the file of the learned Special Court for Exclusive Trial of cases under SC/ST(POA) Act, 1989, Ramanathapuram shall stand quashed. The joint compromise memo shall form part and parcel of the order.

8. Accordingly, this Criminal Original Petition is allowed.

24.10.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

pal



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To

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1. The Deputy Superintendent of Police,
Paramakudi Sub-Division,
Ramanathapuram.
2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY,J.

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Order made in
CRL OP(MD). No.21076 of 2023

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