



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) Nos.11225 and 17062 of 2017

CRL.O.P. (MD) No.11225 of 2017

1.Ramakrishnan
2.Lakshmanan
3.Suresh
4.Eswari

... Petitioners/Accused Nos.1,3,6,12

Vs.

1.State Represented by,
The Inspector of Police,
Sankarankoil Town Police Station,
Tirunelveli District.
(Crime No.82 of 2012)

... 1st Respondent /Complainant

2.Syed Ibrahim

... 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records from the lower Court in Crime No.82 of 2012 on the file of the Inspector of Police, Sankarankoil Town Police Station, Tirunelveli District and quash the same.

For Petitioners	: Mr.J.Senthil Kumar
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.K.Esakki

CRL OP (MD) No.17062 of 2017

1.Syed Ibrahim
2.Syed Abdhakir
3.Ayuf Kan
4.Deenmydeen

... Petitioners/ Respondents



1. State Represented by,
The Inspector of Police,
Sankarankoil Town Police Station,
Tirunelveli District.

... 1st Respondent /Complainant

2.Murugan

... 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records from the lower Court in Crime No.83 of 2012 on the file of the Inspector of Police, Sankarankoil Town Police Station, Tirunelveli District and quash the same.

For Petitioners	: Mr.K.Esakki
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor
For R-2	: Mr.J.Senthil Kumar

C O M M O N O R D E R

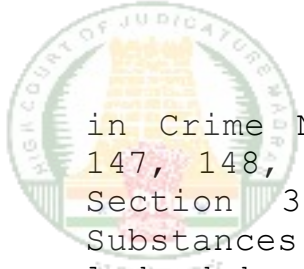
Criminal Original petition in Crl.O.P.(MD)No.11225 of 2017 is filed for quashing the First Information Report in Crime No.82 of 2012 on the file of the Inspector of Police, Sankarankoil Town Police Station, Tirunelveli District.

2. Criminal Original petition in Crl.O.P.(MD)No.17062 of 2017 is filed for quashing the First Information Report in Crime No.83 of 2012 on the file of the Inspector of Police, Sankarankoil Town Police Station, Tirunelveli District.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.

4.The petitioners in Crl.O.P.(MD) No.11225 of 2017 are accused Nos.1, 3, 6 and 12 in Crime No.82 of 2012, on the file of the first respondent. The petitioners in Crl.O.P.(MD)No.17062 of 2017 are the accused in Crime No.83 of 2012 on the file of the first respondent. The first petitioner and the first accused in Crl.O.P.(MD)No.17062 of 2017 is the defacto complainant in Crime No.82 of 2012 and the second respondent in Crl.O.P.(MD)No.11225 of 2017. Hence, this is a case of case and counter.

5. On the basis of the complaint lodged by the second respondent in Crl.O.P.(MD)No.11225 of 2017, a case was registered



in Crime No.82 of 2012 for the alleged offences under Sections 147, 148, 153(A), 323, 294(b), 324, 336, 307, 506(ii) of I.P.C., Section 3 of T.N.P.P.D.L. Act and Section 3 of Explosive Substances Act, 1908. Similarly, on the basis of the complaint lodged by the second respondent in CrI.O.P.(MD)No.17062 of 2017, another case was registered in Crime No.83 of 2012 for the alleged offences under Sections 147, 148, 153(A), 323, 294(b), 324, 334, 336, 307, 506(ii) of I.P.C., Section 3(2)(x) of SC/ST Act, 1989 and Section 3 of Explosive Substances Act, 1908.

6. It appears that the petitioners and the second respondent in both the cases have settled their dispute amicably out of Court, at the intervention of elders and well wishers. It is also stated that the parties also have entered into a compromise. Separate Joint Compromise Memos signed by the petitioners and the second respondent in both the cases in the presence of their respective counsels in both the cases is filed before this Court. As per the Joint Compromise Memos, the defacto complainant in both the cases, namely, the second respondent in both the cases have expressed that they have no objection for quashing the First Information Reports in Crime Nos.82 and 83 of 2012 on the file of the first respondent.

7.Today, the parties, namely, the petitioners and the second respondent in both the cases appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos on their own free will and volition. The identity of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent police.

8.Under normal circumstances, a criminal case attracting provisions of the Scheduled Case/Schedule Tribes (Prevention of Atrocities) Amendment Ordinances-2014, cannot be quashed, on the ground that compromise has been entered into both parties. Though the complaint states serious offences, the de-facto complainant in Crime No.83 of 2012 has agreed to withdraw the complaint, taking into account the public peace and harmony. In the compromise memo, the de-facto complainant in Crime No.83 of 2012 has agreed to quash the criminal proceedings and it is likely that the criminal case will end in acquittal, of course, after some harassment and inconvenience to the parties. The Honourable Supreme Court also in a case of this nature, when this offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

9.In the light of the above and having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that the matter for fruitful purpose will be served by keeping this matter pending. Hence, the Criminal Original petitions are allowed



and the First Information Reports in Crime Nos.82 and 83 of 2012 on the file of the first respondent police is quashed in so far as the petitioners are concerned. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(crl side)

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/True Copy/

Sub Assistant Registrar

Encl: Xerox Copy of Joint Compromise Memos

To

1. The Inspector of Police,
Sankarankoil Town Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.J.Senthil Kumar, Advocate Sr.No.94571,94573

PMU

VB/SV/MMS/SAR4/11/01/2018/4P/5C

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