

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.09.2017****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****Cr1.O.P. (MD) No.12522 of 2017**

1.Balan  
2.Valarmathi  
3.Aayiammal  
4.Ayyapandi  
5.Thennarasu  
6.Suseendhiran  
7.Manikandan  
8.Rajesh  
9.Sathish @ Sathishkumar  
10.Sandhnakaruppu  
11.Karthikpandi

...Petitioners/Accused Nos.1 to 11

-Vs-

1. The State represented by  
The Deputy Superintendent of Police,  
Karuppayoorani Police Station,  
Madurai District.  
(Cr.No.10 of 2009)

... 1<sup>st</sup> Respondent/Complainant

2.Radha

... 2<sup>nd</sup> Respondent/De-facto  
Complainant

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C.No.35 of 2009 pending on the file of the learned Judicial Magistrate No.II, Madurai and quash the same.

For Petitioners :Mr.S.Ravi  
For R-1 :Mr.K.Anbarasan,  
Government Advocate(Cr1. side).  
For R-2 :Mr.R.Mathy Alagan

**O R D E R**

This Criminal Original Petition has been filed to quash the records in P.R.C.No.35 of 2009 pending on the file of the learned Judicial Magistrate No.II, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Heard the learned Counsel appearing for the petitioners, the learned Government Advocate (Criminal side) appearing for the first respondent and the learned Counsel appearing for the second respondent.

3. The petitioners are Accused Nos. 1 to 11 in Cr.No.10 of 2009. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.10 of 2009, on the file of the first respondent police, for the offences punishable under Sections 147 and 341 IPC and Section 3(1)(X) of SC/ST (POA) Act 1989. After filing the charge sheet, the case was taken on file by the learned Judicial Magistrate No.II, Madurai, in P.R.C.No.35 of 2009.

4. It appears that on the advice of close relatives and elders, the parties have entered into compromise and a Joint Compromise Memo, signed by both parties, in the presence of their respective counsel, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has agreed to quash the charge sheet in P.R.C.No.35 of 2009.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo on their own will and free volition. The identity of the parties are verified with reference to authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

6. Under normal circumstances, a criminal case attracting provisions of the Scheduled Case/Schedule Tribes (Prevention of Atrocities) Act, 1989, cannot be quashed, on the ground that compromise has been entered into by both parties. Though the complaint states serious offences, the de-facto complainant has agreed to withdraw the complaint, taking into account the communal peace and harmony. In the compromise memo, the de-facto complainant has agreed to quash the criminal proceedings and it is certain 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, where an offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

7. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence the charge sheet in P.R.C.No.35 of 2009 on the file of the learned Judicial Magistrate No.II, Madurai, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order.



8. Accordingly, the Criminal Original petition is allowed.

Encl: Joint Compromise Memo

Sd/-  
Assistant Registrar(Records)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,  
Karuppayoorani Police Station,  
Madurai District.
2. The Judicial Magistrate No.II, Madurai.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.S.Ravi, Advocate Sr.No.80283

CMR

VB/SKN/RSK/SAR4/10/10/2017/3P/5C

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**21.09.2017**