



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Crl.O.P.(MD) No.12556 of 2017

1.Gnanam Ambalam
2.Ajithkumar
3.Arunkumar
4.Kanchivanam
5.Vigneshwaran
6.Dinesh
7.Chellapandi
8.Banumathi

...Petitioners/Accused Nos.1 to 8.

-Vs-

1.The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(In Crime No.491 of 2015)

...1st Respondent/Complainant

2.M.Malaiyandi
Complainant

... 2nd Respondent/De-facto

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in P.R.C.No.19 of 2015 in Crime No.491 of 2015 dated 29.08.2015 on the file of learned Additional Mahila Judge, Madurai and quash the same.

For Petitioners : Mr.S.Sivaprakash

For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl. Side).

For R-2 : Mr.B.Viswanathan

O R D E R

This Criminal Original Petition has been filed to quash to the records in P.R.C.No.19 of 2015 in Crime No.491 of 2015 dated 29.08.2015, on the file of Additional Mahila Judge, Madurai.



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 8 in Cr.No.491 of 2015. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.491 of 2015, on the file of the first respondent police, for the offences punishable under Sections 147, 148, 294(b), 323, 325 and 506(ii) IPC and Section 4 of TNPWH Act r/w 3(1)(X) of SC/ST (POA) Act 1989 r/w 149 IPC. After filing the charge sheet, the case was taken on file by the learned Additional Mahila Judge, Madurai, in P.R.C.No.19 of 2015.

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.19 of 2015.

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 the 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) Amendment Ordinances-2014, 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 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, 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.19 of 2015 on the file of the learned Additional Mahila Judge, 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.

Sd/-

Assistant Registrar (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Mahila Judge, Madurai.

2. The Inspector of Police,
M. Chatrapatti Police Station,
Madurai District.

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

+ 1 cc TO Mr. S. Sivaprakash , Advocate in SR No. 80274

Cmr

AE/SKN RSK/SAR3/11.10.2017/4P/5C

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