



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. 12606 of 2017

- 1.Devaraj
 - 2.Vijay
 - 3.G.Prakash
 - 4.P.Suresh
 - 5.G.Ramesh
 - 6.Gopalakrishnan
 - 7.Periyannan @ Murugesan
 - 8.S.Murugesan
- ... Petitioners / Accused 1 to 8

-Vs-

1. State represented by
The Inspector of Police,
Manikandam Police Station,
Trichy District.
(in Crime No.236 of 2017) ... 1st Respondent / Complainant
- 2.Masi ... 2nd Respondent
/ De-facto complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the F.I.R. in Crime No.236 of 2017 on the file of the 1st respondent police and quash the same.

For Petitioners : Mr.R.Rajesh
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl. side).
For R-2 : Mr.M.J.Shabu Jose

O R D E R

This Criminal Original Petition has been filed to quash the records relating to the F.I.R. in Crime No.236 of 2017 on the file of the 1st respondent police.

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.236 of 2017. Based on the complaint lodged by the second respondent, against the petitioners, the case was registered in Crime No.236 of 2017, on the file of the first respondent police, for the offences punishable under Sections 147, 294(b), 324, 336 and 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2(va) of ST/ST (POA) Act.

4.It appears that the on the advice of friends 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 First Information Report in Cr.No.236 of 2017.

5.The parties appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memo 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 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 between 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 First Information Report in Crime No.236 of 2017, on the file of the first respondent police, 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(CS-I)



To
Encl: Xerox copy of Compromise memo

1.The Inspector of Police,
Manikandam Police Station,
Trichy District.

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

+ 1 cc TO Mr.R.Rajesh , Advocate in SR No. 80573

cmr
AE/KP/SAR3/09.10.2017/3P/4C

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