



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) Nos.12649 and 12667 of 2017

Crl.O.P. (MD) No.12649 of 2017

- 1.Kishore
- 2.Kumar @ Rajkumar
- 3.Santhosh
- 4.Ranjith @ Ranjith Kumar
- 5.Sathiskumar
- 6.Balahousik @ Balahoushree
- 7.Kavi @ Kaviyarasan
- 8.Sivanesan
- 9.Jadakopan @ Sadagoban
- 10.Sethupathi ... Petitioners / Accused Nos.1 to 10

-Vs-

1. The State represented by,
The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
2. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.161 of 2017) ... 1st and 2nd respondents /
Complainants
- 3.Pandi ... 3rd Respondent/
Defacto Complainant
- 4.Mahendran ... 4th respondent / Injured

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records in relation to the First Information Report in Crime No.161 of 2017 on the file of the second respondent and quash the same.

For Petitioner

For R-1 & R-2

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

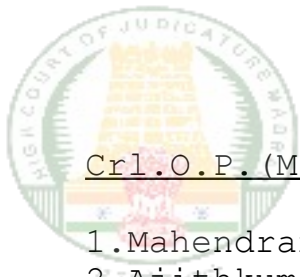
For R-3 & R-4

: Mr.M.S.Jeyakarthik

: Mr.K.S.Durai Pandiyan,

Additional Public Prosecutor.

: Mr.S. Sathiyendran



Crl.O.P. (MD) No.12667 of 2017

1. Mahendran
2. Ajithkumar
3. Karthigairaj

... Petitioners / Accused Nos.1,2 & 4
-Vs-

1. The State represented by,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(In Crime No.162 of 2017)

... 1st Respondent / Complainant

2. Kishore

... 2nd respondents /
Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records in relation to the First Information Report in Crime No.162 of 2017 on the file of the first respondent and quash the same in so far as the petitioners are concerned.

For Petitioners	: Mr.S. Sathiyendran
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.M.S.Jeyakarthish

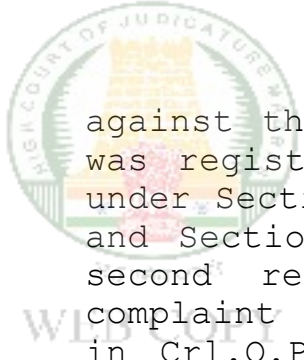
COMMON ORDER

Criminal Original petition in Crl.O.P.(MD)No.12649 of 2017 is filed for quashing the First Information Report in Crime No.161 of 2017 on the file of the second respondent police.

2.This Criminal Original petition in Crl.O.P.(MD)No.12667 of 2017 is filed for quashing the First Information Report in Crime No.162 of 2017 on the file of the first respondent police.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police and the learned counsel appearing for the private respondents.

4.The petitioners in Crl.O.P.(MD)No.12649 of 2017 are accused Nos.1 to 10 in Crime No.161 of 2017, on the file of the second respondent. The petitioners in Crl.O.P.(MD)No.12667 of 2017 are accused Nos.1,2 and 4 in Crime No.162 of 2017 on the file of the first respondent police. The third respondent in Crl.O.P.(MD) No.12649 of 2017 lodged a complaint before the first respondent as



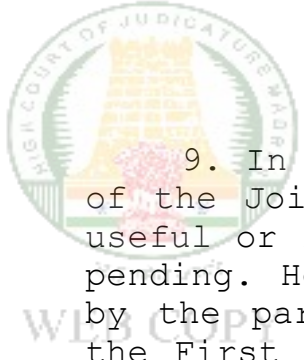
against the petitioners in Crl.O.P.No.12649 of 2017 and the same was registered in Crime No.161 of 2017 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 448, 506(ii) of I.P.C., and Section 3(1)(r)(s) of SC/ST [POA] Act, 2015. Similarly the second respondent in Crl.O.P.(MD)No.12667 of 2017 lodged a complaint before the first respondent as against the petitioners in Crl.O.P.(MD)No.12667 of 2017 and the same was registered in Crime No.162 of 2017 for the alleged offences under Sections 294 (b), 323, 324 and 506(ii) of IPC.

5.The son of the first petitioner/first accused in Crl.O.P. (MD)No.12667 of 2017 is the defacto complainant in Crime No.161 of 2017. Similarly, the first petitioner in Crl.O.P.(MD) (No.12649 of 2017 is the second respondent/defacto complainant in Crime No.162 of 2017. Hence, this is a case of case and counter.

6. After registration of the criminal complaint, it appears that the parties, namely, the petitioners and the second respondent in both cases have settled their dispute amicably out of Court, at the intervention of the elders and relatives. The parties also have entered into a compromise. Joint Compromise Memos, dated 21.08.2017, signed by the petitioners and the defacto complainant in both cases in the presence of their respective counsels are produced before this Court. As per the Joint Compromise memos, the defacto complainants in both cases have agreed to quash the First Information Reports in Crime Nos.161 and 162 of 2017 on the file of the respondent police.

7. 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 Caste/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.161 of 2017 has agreed to withdraw the complaint, taking into account the public peace and communal harmony. In the compromise memo, the de-facto complainant in Crime No.161 of 2017 has agreed to quash the criminal proceedings and it is stated that the criminal case will end in acquittal, of course, after some harassment and inconvenience to the parties. The Honourable ~~Sentence Court~~ ~~is also~~ in a case of this nature, though the offence is non compoundable, has quashed the proceedings on the basis of compromise memo.



9. In the light of the above and in view of the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping these matters pending. Hence, on the basis of the Joint Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the First Information Reports in Crime Nos.161 and 162 of 2017 on the file of the respondent police, are 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(AS)

/True Copy/

Sub Assistant Registrar

To

Encl: Xerox copy of compromise memo

1. The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

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

+ 2 ccs TO Mr.M.S.Jeyakarthick , Advocate in SR Nos.92251,92252

pmu

AE/JC/SAR2/17.01.2018/4P/6C

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12.12.2017