



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.13638 of 2017

Malaikani ... Petitioner / Sole Accused
-Vs-

1.The State represented by
The Inspector of Police,
Ayyapuram Police Station,
Tirunelveli District.
(in Crime No.85 of 2017) ...1st Respondent /Complainant

2.Azhakulakshmi ... 2nd Respondent
/ De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the criminal proceedings in Crime No.85 of 2017 on the file of the respondent No.1 and quash the same.

For Petitioner	: Mr.R.Venkatesan
For R1	: Mr.A.Ramar Additional Public Prosecutor
For R2	: Mr.K.N.Parameswaran

O R D E R

This Criminal Original Petition has been filed to quash the criminal case in Crime No.85 of 2017 on the file of the respondent No.1.

2.Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.The petitioner is the sole accused in the criminal case in Cr.No.85 of 2017. On the basis of the complaint lodged by the second respondent, a case was registered in Crime No.85 of 2017, on 18.08.2017, as against the petitioner, by the the first respondent police, for the offences punishable under Sections 294(b), 324 and 506(ii) IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes Act, 2015.



4.It appears that after registering the complaint, the petitioner and the second respondent have settled their dispute amicably, out of Court, at the intervention of elders and relatives, to purchase peace and taking into consideration the communal harmony and they have also entered into a compromise. A Joint Compromise Memo, dated 20.11.2017, signed by both parties, in the presence of their respective Counsel, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant has agreed to quash the First Information Report in Crime No.85 of 2017, pending on the file of the first respondent police.

5.Today, 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 Additional Public Prosecutor through the first respondent police.

6.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 between both parties. Though the complaint states serious offences, the de-facto complainant has agreed to withdraw the complaint, taking into account the public peace and communal 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, though the offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

7.In view of 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 Cr.No.85 of 2017, on the file of the first respondent police, namely, the Inspector of Police, Ayyapuram Police Station, Tirunelveli District, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the order. Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar



To

1.The Inspector of Police,
Ayyapuram Police Station,
Tirunelveli District.

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

Cmr

RL/3C/3P/KK/SAR4/5/12/2017

Cr1.O.P.(MD) No.13638 of 2017

17/11/2017