



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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CrI.O.P.(MD) No.14441 of 2017

1.A.Arunasekar
2.A.Palaniyappan
3.S.Ravi @ Raveendran
4.A.Jeyapaul ... Petitioners / Accused Nos.1 to 4

-Vs-

1.The Deputy Superintendent of Police,
Periyakulam,
Theni District.

2.State represented by
The Inspector of Police,
Devadhanapatti Police Station,
Theni District.
(In Crime No.469 of 2017) ...1st and 2nd Respondents
/ Complainant

2.Pitchai ... 3rd Respondent
/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the First Information Report in Crime No.469 of 2017 on the file of the second respondent.

For Petitioners :Mr.C.M.Arumugam
For R-1 & 2 :Mr.K.S.Durapandian
Additional Public Prosecutor
For R-3 :Mr.K.Manoharan

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.469 of 2017 on the file of the second respondent.

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



respondent.

3. The petitioners are accused No.1 to 4 in Crime No.469 of 2017. The third respondent lodged a complaint against the petitioners, the same was registered in Cr.No.469 of 2017, on the file of the second respondent police, for the offences punishable under Sections 147 and 294(b) IPC and Sections 3(1)(r), 3(1)(s) and 3(1)(za)(c) of SC/ST (POA) Act- 1989.

4. It appears that after the registration of complaint, the parties have settled their dispute amicably and they have also entered into a compromise. A Joint Compromise Memo, dated 09.10.2017, 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, namely, the third respondent has agreed for quashing the First Information Report in Crime No.469 of 2017.

5. Today, 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 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, may not be quashed, on the ground that a compromise has been entered into between parties. Though the complaint states serious offences, the de-facto complainant has agreed to withdraw the complaint, in order to purchase public 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, when this offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

7. Hence, 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.469 of 2017, on the file of the second respondent police, namely, the Inspector of Police, Devadhanapatti Police Station, Theni district is quashed in toto. The Joint Compromise Memo signed by the parties shall



8. Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (Crl side)

/True copy/

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Sub Assistant Registrar

Encl:- Xerox Copy of Compromise Memo

To

1. The Deputy Superintendent of Police,
Periyakulam,
Theni District.

2. State rep by.
The Inspector of Police,
Devadhanapatti Police Station,
Theni District.

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

+1cc to Mr. C.M. ARUMUGAM, Advocate, SR. 84438

Crl.O.P. (MD) No.14441 of 2017
27.10.2017

CMR

KK/SKN RSK/SAR 2/06.11.2017/ 3P- 5C/