



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.15309 of 2017

D.Jeyapandi

... Petitioner / Sole Accused

-Vs-

1.The State represented by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
(in Crime No.18 of 2017)

...1st Respondent/Complainant

2.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.

... 2nd Respondent/Investigating Officer

2.Arulmurugan

...3rd Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.18 of 2017 pending on the file of the first and second respondent police.

For Petitioner : Mr.R.Rajmohan

For R1 & R2 : Mr.A.Ramar

Additional Public Prosecutor

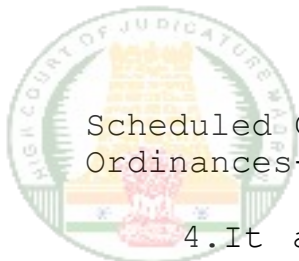
For R3 :Mr.V.A.Dhana Aravindha Balaji
for M/s.Dhana Law Associates

O R D E R

The Criminal Original Petition has been filed to quash the FIR in Crime No.18 of 2017 pending on the file of the first and second respondent police.

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

3.The petitioner is the sole accused in Crime No.18 of 2017. The third respondent has given a complaint, as against the petitioner and the same was registered in Crime No.18 of 2017, by the first respondent police, for the alleged offences under Sections 294(b), 323 and 506(i) IPC r/w Sections 3(1)(r)(s), 3(2)(va) of the



Scheduled Caste/Schedule Tribes (Prevention of Atrocities) Amendment Ordinances-2014.

4.It appears that on the advice of elders in the village and relatives, the petitioner and the third respondent have settled their dispute amicably out of Court and they have also entered into a compromise. A Joint Compromise Memo, dated 07.11.2017, 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, namely, the third respondent has agreed for quashing the first information report in Crime No.18 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 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 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 Crime No.18 of 2017, on the file of the Inspector of Police, Viruveedu Police Station, Dindigul District, 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-II)

/True Copy/

Sub Assistant Registrar.

Herewith enclosed the xerox copy of Join Compromise Memo



1.The Deputy Superintendent of Police,
Nilakottai,
Dindigul District.

2.The Inspector of Police,
Viruveedu Police Station,
Dindigul District.

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

+1CC to Mr.R.Rajamohan, Advocate, SR.No.86418

Cr1.O.P.(MD) No.15309 of 2017
10.11.2017

cmr

JM/SV MMS/SAR 2/22.11.2017/3P/5C