



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

CRL OP (MD) No.15620 of 2017

Sasikumar

... Petitioner/Sole Accused

**Vs.**

1. State represented by,  
The Inspector of Police,  
Usilampatti Taluk Police Station,  
Madurai District.  
(Crime No.90 of 2017)

... 1<sup>st</sup> Respondent /Complainant

2. Munieswari

... 2<sup>nd</sup> Respondent/  
De-facto Complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to First Information Report in Crime No.90 of 2017 on the file of the first respondent police and to quash the same.

|                |                                                |
|----------------|------------------------------------------------|
| For Petitioner | : Mr.O.S.Ramachandra Pradeep                   |
| For R-1        | : Mr.A.Ramar,<br>Additional Public Prosecutor. |
| For R-2        | : Mr.M.Murugesan                               |

### **O R D E R**

This Criminal Original petition is filed for quashing the First Information Report in Crime No.90 of 2017 on the file of the first respondent police.

2. Heard the learned counsel appearing for the petitioner and 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 Crime No.90 of 2017 on the file of the first respondent. On the basis of the complaint lodged by the second respondent/de-facto complainant, a case was registered in Crime No.90 of 2017, on 20.03.2017, for the alleged offences under Sections 406, 420, 294(b), 506(i) of I.P.C., and Section 4 of Tamil Nadu Women Harassment Act r/w 3(1) (r ), 3(1) (s) of S.C/S.T Act.



4. After registration of the complaint, it appears that the parties, namely, the petitioner and the second respondent have settled their dispute amicably out of Court, at the intervention of elders and relatives. The petitioner himself is stated to be a Coolie and that they have compromised the issue to purchase peace for ensuring the communal harmony. A Joint Compromise Memo, dated 08.11.2017, signed by the petitioner and the de-facto complainant in the presence of their respective counsels is produced before this Court. As per the Joint Compromise memo, the second respondent has agreed for quashing the First Information Report in Crime No.90 of 2017 on the file of the first respondent.

5. Today the parties, namely, the petitioner and the second respondent 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 Scheduled Castes/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 the light of the above and 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, on the basis of the Joint Compromise Memo signed by the parties, the Criminal Original petition is allowed and the First Information Report in Crime No.90 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.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/



**Encl.: Xerox copy of Compromise Memo**

**To**

1. The Inspector of Police,  
Usilampatti Taluk Police Station,  
Madurai District.
2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.M.MURUGESAN, ADVOCATE IN SR No. 87746

PMU

TE/JC/SAR-2 : 29/11/2017 : 3P/4C

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16.11.2017