



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.15700 of 2017

1.Ponnarasu
2.Vivek @ Vivegananthan
3.Balakrishnan
4.Sakthi @ Sakthivel ... Petitioners / Accused Nos.1 to 4

-Vs-

1.The State represented by
The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi.
2.The Inspector of Police,
Mukudal Police Station,
Tirunelveli District.
(in Crime No.10 of 2016) ...Respondents/Complainant
3.Arumugam ...Respondent / De-facto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to quash the final report filed in Crime No.10 of 2016 on the file of the second respondent and pending in S.C.No.73 of 2017 on the file of the II Additional Session Court, Tirunelveli.

For Petitioners : Mr.R.Ramachandran
For R1 and R2 : Mr.A.Ramar
Additional Public Prosecutor
For R3 : Mr.B.Thangamani

O R D E R

This Criminal Original Petition has been filed to quash the final report filed in Crime No.10 of 2016 on the file of the second respondent and pending in S.C.No.73 of 2017 on the file of the II Additional Session Court, Tirunelveli.

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 the criminal case in S.C.No.73 of 2017. On the basis of the complaint lodged by the third respondent, a case was registered in Crime No.10 of 2016, as against the petitioners, by the second respondent police. After filing the charge sheet, the case was taken on file by II Additional Session Court, Tirunelveli in S.C.No.73 of 2017 for the offences punishable under Sections 294(b) and 506(ii) IPC r/w 3(1) (r) (x), 3(2) (VA) of SC/ST (POA) Act.

4.It appears that the parties have settled their dispute amicably, at the intervention of elders and friends in the village, in order to purchase peace and taking into consideration the communal harmony. They have also entered into a compromise and a Joint Compromise Memo, dated 13.11.2017, 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 criminal proceedings in S.C.No.73 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 second 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 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 criminal proceedings in S.C.No.73 of 2017, on the file of II Additional Session Court, Tirunelveli, is quashed in toto. The Joint Compromise Memo signed by the parties shall form part of the



8. Accordingly, the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

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/True Copy/

Sub Assistant Registrar

To

Enclosure: The Joint Compromise Memo signed by the parties shall form part of the order.

1. II Additional Session Court,
Tirunelveli.

2. The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Cheranmahadevi.

3. The Inspector of Police,
Mukudal Police Station,
Tirunelveli District.

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

Cr1.O.P. (MD) No.15700 of 2017
17.11.2017

cmr

JM/KK/SAR 4/06.12.2017/3P/5C