



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.09.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.165 of 2017

and

Crl.M.P.(MD) Nos.133 and 134 of 2017

WEB COPY

1.P.Jaganathan
2.M.Kumarasamy
3.M.Natarajan

...Petitioners/Accused 1 to 3.

-Vs-

1. The State represented by
The Inspector of Police,
Vangal, Karur District.
(In Crime No.118 of 2015)

...1st Respondent/Complainant

2. Baskar @ Pagalavan

... 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to charge sheet laid in SC 86 of 2016 on the file of the District Court, Karur in Crime No.118 of 2015 on the file of the respondent police and quash the same.

For Petitioners	: Mr.A.L.Ganthimathi
For R-1	: Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	: Mr.P.Kaathan Raj Kumar

O R D E R

This Criminal Original petition has been filed to quash the records relating to charge sheet laid in S.C.No.86 of 2016 on the file of the District Court, Karur.

2.Heard the learned Counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned Counsel appearing for the second respondent.

3.On the basis of the complaint given by the second respondent, as against the petitioners, a case was registered in Crime No.118 of 2015 on the file of the first respondent for the offence punishable under Sections 147, 294(b), 341, 323, 324, 506 (i) and 379 IPC r/w Sections 3(1)(r)(s) and 3(2)(va) of the



Scheduled Case/Schedule Tribes (Prevention of Atrocities) Amendment Ordinances-2014. After filing the charge sheet, the case was taken on the file of the District Court, Karur, in S.C.No.86 of 2016.

4. It appears that at the advise of the elders and friends, the petitioners and the second respondent have agreed to compromise the matter out of Court. A Joint Compromise Memo, signed by both parties, in the presence of their respective counsels, is also produced before this Court. As per the Joint Compromise Memo, the de-facto complainant, namely, the second respondent has given his consent to quash the entire proceedings in S.C.No.86 of 2016.

5. The parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memo on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate (Criminal side) through the first respondent police.

6. Under normal circumstances, a criminal case attracting provisions of the Scheduled Case/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 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 not compoundable has quashed the proceedings on the basis of compromise memo.

7. In that view of the matter, this Court is inclined to entertain this petition. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the second respondent has agreed to quash the proceedings against the petitioners. Hence the criminal proceedings in S.C.No.86 of 2016 on the file of the District Court, Karur, 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. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)



Encl.: Xerox Copy of Compromise Memo

To

1. The State represented by,
The Inspector of Police,
Vangal, Karur District.

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

Cmr

MK/JC/SAR-2/3P/3C/22.09.2017

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