



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.16942 of 2017

K.Muthu ... Petitioner/Sole Accused

Vs.

1. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.280 of 2016)

... 1st Respondent /Complainant

2. Mokkai Samy

... 2nd Respondent/
De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records in Spl.S.C.No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai, and to quash the same as against the petitioner.

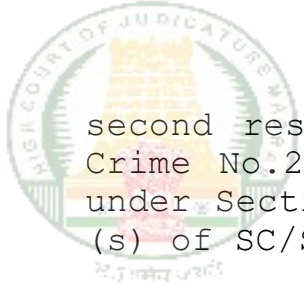
For Petitioner	: M/s.A.S.Rajeswari
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.M.Nagarajan

O R D E R

This Criminal Original petition is filed for quashing the Charge Sheet in Spl.S.C.No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai, as against the petitioner.

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 Spl.S.C.No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai. On the basis of the complaint lodged by the



second respondent/de-facto complainant, a case was registered in Crime No.280 of 2016, dated 11.11.2016, for the alleged offences under Sections 294(b), 323 and 506(i) of I.P.C., r/w 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015.

4. After filing Charge Sheet, the case was taken on file in Spl.S.C.No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai for the same offences.

5. 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. It is stated that the parties also have entered into a compromise. A Joint Compromise Memo, dated 06.12.2017, 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 defacto complainant has agreed for quashing the Charge Sheet in Spl.S.C.No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai.

6. 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.

7. 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.

8. In the light of the above and having regard to 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 to be withdrawn. The Charge Sheet in Spl.S.C. No.79 of 2017 on the file of the learned III Additional District Judge (P.C.R. Cases), Madurai,



is quashed in *toto*. The Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(AS)

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Sub Assistant Registrar

Encl: Xerox copy of Joint 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.

+2cc to M/s.A.S.Rajeswari, Advocate Sr.No.92824

PMU

VB/MR/SAR1/19/01/2018/3P/5C

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