



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.17131 of 2017
CRL.O.P.(MD)No.17132 of 2017 &
CRL.O.P.(MD)No.17133 of 2017

CRL.O.P.(MD)No.17131 of 2017

1. Senthilkumar
2. Muniyandi
3. Maruthamuthu
4. Suruli ... Petitioners 1 to 4/Accused Nos.1 to 4
5. Periyasamy ... Petitioner No.5/6th Accused

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.
2. The Inspector of Police,
Ezhumalai Police Station,
Madurai District. ... Respondents 1 & 2 / Complainants
3. Vasimalai ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the case in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai, by accepting the Joint Compromise Memo, dated 03.12.2017.

For Petitioners	: M/s.K.Radhakrishnan
For R-1 & R-2	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-3	: Mr.R.Gowri Shankar

CRL.O.P.(MD)No.17132 of 2017Palpandi ... Petitioner/5th Accused



1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.

2. The Inspector of Police,
Ezhumalai Police Station,
Madurai District.

... Respondents 1 & 2 / Complainants

3. Vasimalai

... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the First Information Report in Crime No.170 of 2015 on the file of the second respondent herein by accepting the Joint Compromise Memo, dated 04.12.2017 in so far as the petitioner is concerned.

For Petitioner

: Mr.K.Radhakrishnan

For R-1 & R-2

: Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-3

: Mr.R.Gowri Shankar

CRL.O.P. (MD) No.17133 of 2017

1. Vasimalai @ Vasumalai
2. Ayyathurai @ Sankaralingam
3. Velusamy
4. Ramesh
5. Kumar @ Kumaran
6. Murugan @ Murugesan
7. Satheeshkumar
8. Sruya
9. Muthupandi
10. Kuruvuraja
11. Gnanagurusamy
12. Rajendran, S/o.Vasimalai
13. Rajendran. S/o.Karuppaiah
14. Vinodkumar
15. Premkumar
16. Pitchai Pandi
17. Karmegam
18. Balumurugan @ Balamurugan
19. Maharajan

... Petitioner Nos.1 to 19/Accused Nos.1 to 19

Vs.

1. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.



2. The Inspector of Police,
Ezhumalai Police Station,
Madurai District.

... Respondents 1 & 2 / Complainants

3. Palpandi

... 3rd Respondent/Defacto Complainant

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PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to quash the case in Spl. S.C.No.67 of 2017 on the file of the learned III Additional District and Sessions Judge(P.C.R.), Madurai, by accepting the Joint Compromise Memo, dated 03.12.2017.

For Petitioners	: Mr.R.Gowri Shankar
For R-1 & R-2	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-3	: Mr.K.Radhakrishnan

C O M M O N O R D E R

Criminal Original petition in CrI.O.P.(MD)No.17131 of 2017 is filed for quashing the Charge Sheet in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai, by accepting the Joint Compromise Memo, dated 03.12.2017.

2. Criminal Original petition in CrI.O.P.(MD)No.17132 of 2017 is filed for quashing the First Information Report in Crime No.170 of 2015 on the file of the second respondent herein by accepting the Joint Compromise Memo, dated 04.12.2017 in so far as the petitioner is concerned.

3. Criminal Original petition in CrI.O.P.(MD)No.17133 of 2017 is filed for quashing the Charge Sheet in Spl. S.C.No.67 of 2017 on the file of the learned III Additional District and Sessions Judge(P.C.R.), Madurai, by accepting the Joint Compromise Memo, dated 03.12.2017.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police and the learned counsel appearing for the private respondents.

5. The petitioners in CrI.O.P.(MD)No.17131 of 2017 are accused Nos.1 to 4 and 6 in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai. The petitioner in CrI.O.P.(MD)No.17132 of 2017 is the fifth accused in Crime No.170 of 2015 on the file of the second respondent police. Similarly, the petitioners in CrI.O.P.(MD)No.17133 of 2017 are accused Nos.1 to 19 in Spl.S.C.No.67 of 2017 on the file of the learned III Additional District and Sessions Judge(P.C.R.), Madurai.



6. It is stated that the petitioner in CrI.O.P.(MD)No.17132 of 2017 was a minor at the time of crime and that therefore, as against the petitioner in CrI.O.P.(MD)No.17132 of 2017/fifth accused, the case was not referred and no Charge Sheet is filed as against the petitioner in CrI.O.P.(MD)No.17132 of 2017. The first petitioner in CrI.O.P.(MD) No.17133 of 2017 is the defacto complainant in Crime No.170 of 2015 which is now pending in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai. Similarly, the defacto complainant in Crime No.170 of 2015 is the relative of the petitioners in CrI.O.P.(MD)No.17131 of 2017. Hence, this is a case of case and counter.

7. On the basis of the complaint lodged by the third respondent in CrI.O.P.(MD)No.17131 of 2017, a case was registered as against the petitioners in CrI.O.P.(MD)No.17131 of 2017 in Crime No.170 of 2015 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 435 and 307 of I.P.C., r/w Section 3(1) of T.N.P.P.D.L. Act. After filing Charge Sheet, the case was taken on file in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai. Similarly, on the basis of the complaint lodged by the third respondent in CrI.O.P.(MD)No.17132 of 2017, a case was registered as against the petitioner in CrI.O.P.(MD)No.17132 of 2017, in Crime No.170 of 2015 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 435 and 307 of I.P.C., r/w Section 3(1) of T.N.P.P.D.L. Act. Similarly, on the basis of the complaint lodged by the third respondent in CrI.O.P.(MD)No.17133 of 2017, a case was registered against the petitioners in CrI.O.P.(MD) No.17133 of 2017 in Crime No.171 of 2015 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 435 and 307 of I.P.C., r/w. Section 3(1)(X) of SC/ST Act and Section 3(1) of T.N.P.P.D.L. Act. After filing Charge Sheet, the case was taken on file in Spl. S.C.No.67 of 2017 on the file of the III Additional District and Sessions Judge (P.C.R.), Madurai.

8. It appears that pursuant to a wordy quarrel, there was a clash between two factions. After registration of the complaints and the Charge Sheets were filed, the parties, namely, the petitioners and the third respondent in all the cases have settled their dispute amicably out of Court, at the intervention of the elders and well wishers. It is stated that the parties also have entered into a compromise. Separate Joint Compromise Memos signed by the petitioners and the de-facto complainant in all the cases in the presence of their respective counsels are produced before this Court. As per the Joint Compromise memos, the defacto complainant in the respective cases have agreed for quashing the First Information Report as well as the Charge Sheets in all the cases in respect of the petitioners herein, namely, S.C.No.506 of



2016 on the file of the learned V Additional District and Sessions Judge, Madurai, First Information Report in Crime No.170 of 2015 on the file of the second respondent police and Spl.S.C.No.67 of 2017 on the file of the III Additional District and Sessions Judge (P.C.R.), Madurai.

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9. Today the parties, namely, the petitioners and the third respondent in all the cases appeared before this Court and expressed in unequivocal terms that they have signed the Joint Compromise Memos 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 respondent police.

10. 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 in Crime No.171 of 2015 has agreed to withdraw the complaint, taking into account the public peace and communal harmony. In the compromise memo, the de-facto complainant in Crime No.171 of 2015 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.

11. In the light of the above and having regard to the specific terms of the Joint Compromise Memos, this Court is of the view that no useful or fruitful purpose will be served by keeping these matters pending. Hence, on the basis of the Joint Compromise Memos signed by the parties, the Criminal Original petitions are allowed and the criminal proceedings in S.C.No.506 of 2016 on the file of the learned V Additional District and Sessions Judge, Madurai, First Information Report in Crime No.170 of 2015 on the file of the second respondent police and the criminal proceedings in Spl.S.C. No.67 of 2017 on the file of the III Additional District and Sessions Judge(P.C.R.), Madurai, are quashed in so far as the petitioners are concerned. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CO)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

**Enclosure : The Joint Compromise Memos dated 04.12.2017 and
03.12.2017 (Xerox Copy)**

- 1 The V Additional District and Sessions Judge,
Madurai.
 - 2 The III Additional District and Sessions Judge (PCR),
Madurai.
 - 3 The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti Sub Division, Madurai District.
 - 4 The Inspector of Police,
Ezhumalai Police Station, Madurai District.
 - 5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +3ccs to M/S.K.Radhakrishnan, Advocate SR.No. 92939

CRL.O.P.(MD)No.17131 of 2017
CRL.O.P.(MD)No.17132 of 2017 &
CRL.O.P.(MD)No.17133 of 2017
13.12.2017

pmu

JM/SKN/SAR 1/11.01.2018/6P/9C