



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.17382 and 17383 of 2017Crl.O.P. (MD) No.17382 of 2017

- 1.Sakthivel
- 2.Periyasamy
- 3.Premnath
- 4.Sivakumar
- 5.Manickam
- 6.Pannaikaran @Thakkalipannaikaran

... Petitioners / Accused Nos.1 to 6

-Vs-

- 1.The State represented by,
The Inspector of Police,
Kattuputhur Police station,
Trichy District.
(In Crime No.293 of 2017)

... Respondent/ Complainant

- 2.Ilaiyaraja

... Respondent / Defacto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the First Information Report in Crime No.293 of 2017 on the file of the first respondent and to quash the same.

For Petitioners	: Mr.M.Subash Babu
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-2	: Mr.R.Maheshwaran

Crl.O.P. (MD) No.17383 of 2017

- 1.Ilaiyaraja
- 2.Ramesh
- 3.Ragupathi
- 4.Karthick
- 5.Gowridharan

... Petitioners / Accused Nos.1 to 5

-Vs-



1.The State represented by,
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.

(In Crime No.292 of 2017) ... 1st Respondent / Complainant

2.Pannaikaran @ Thakkalipannaikkaran

... 2nd respondent/Defacto Complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in relation to the First Information Report in Crime No.292 of 2017 on the file of the first respondent and to quash the same.

For Petitioners : Mr.R. Maheswaran

For R-1 : Mr.K.S.Durai Pandiyan,
Additional Public Prosecutor.

For R-2 : Mr.M.Subash Babu

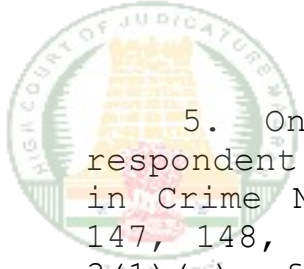
COMMON ORDER

Criminal Original petition in Crl.OP(MD) No.17382 of 2017 is filed for quash the First Information Report in Crime No.293 of 2017 on the file of the first respondent.

2. Criminal Original petition in Crl.OP(MD) No.17383 of 2017 is filed for quashing the First Information Report in Crime No.292 of 2017 on the file of the first respondent police.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

4.The petitioners in Crl.O.P.(MD) No.17382 of 2017 are accused Nos.1 to 6 in Crime No.293 of 2017, on the file of the first respondent. The petitioners in Crl.O.P.(MD)No.17383 of 2017 are accused Nos.1 to 5 in Crime No.292 of 2017 on the file of the first respondent. The sixth petitioner and the sixth accused in Crl.O.P.(MD)No.17382 of 2017 is the defacto complainant in Crime No.292 of 2017 and the second respondent in Crl.O.P.(MD)No.17383 of 2017. The first petitioner and the first accused in Crl.O.P.(MD) No.17383 of 2017 is the defacto complainant in Crime No.293 of 2017 and the second respondent in Crl.O.P.(MD)No.17382 of 2017. Hence, this is a case of case and counter.



5. On the basis of the complaint lodged by the second respondent in CrI.O.P.(MD)No.17382 of 2017, a case was registered in Crime No.293 of 2017 for the alleged offences under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) r/w 3(2)(v), 3(1)(r), 3(1)(s) of SC/ST (POA) Act, 2015. Similarly, on the basis of the complaint lodged by the second respondent in CrI.O.P.(MD)No.17383 of 2017, another case was registered in Crime No.292 of 2017 for the alleged offences under Sections 147, 148, 294(b), 324, 307 and 506(ii) of I.P.C.

6. It appears that the petitioners and the second respondent in both the cases have settled their dispute amicably out of Court, at the intervention of elders and relatives of the village. It is also stated that the parties also have entered into a compromise. Separate Joint Compromise Memos signed by the petitioners and the second respondent in both the cases in the presence of their respective counsels in both the cases is filed before this Court. As per the Joint Compromise Memos, the defacto complainant in both the cases, namely, the second respondent in both the cases have expressed that they have no objection for quashing the First Information Reports in Crime Nos.292 and 293 of 2017 on the file of the first respondent.

7.Today, the parties, namely, the petitioners and the second respondent in both 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 first respondent police.

8.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 in Crime No.293 of 2017 has agreed to withdraw the complaint, taking into account the public peace and harmony. In the compromise memo, the de-facto complainant in Crime No.293 of 2017 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 non compoundable, has quashed the proceedings on the basis of compromise memo.

9.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 the criminal proceedings for fruitful purpose will be served by keeping this matter pending. Hence, the Criminal Original petitions are allowed and the First Information Reports in Crime Nos.292 and 293 of 2017



on the file of the first respondent police, namely, the Inspector of Police, Kattuputhur Police station, Trichy District, is quashed in toto. The Joint Compromise Memos signed by the parties shall form part of the order.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

Enclosure: The Joint Compromise Memo (Xerox Copy)

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

+2cc to M/S.M.Subash Babu, Advocate SR.No. 93892, 93893

CRL.O.P. (MD) Nos.17382 and 17383 of 2017
19.12.2017

PMU

JM/SV MMS/SAR 1/18.01.2018/4P/5C