



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.12.2017

CORAM
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.17578 of 2017

Rajkumar : Petitioner/Accused No.2

-Vs-

1.The State represented by
The Assistant Superintendent of Police,
Pattukottai,
Thanjavur District.

2.The State represented by,
The Inspector of Police,
Madukkur Police Station,
Thanajvur District,
(Crime No.377/2016) : Respondents/ Complainants

3.Ponnusamy : Respondent/Defacto complainant

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to S.S.C.No.103 of 2017 on the file of the I-Additional District & Sessions Judge (PCR), Thanjavur and quash the proceedings as against the petitioner herein.

For Petitioner : Mr.S.Deenadhayalan

For R1 and R2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

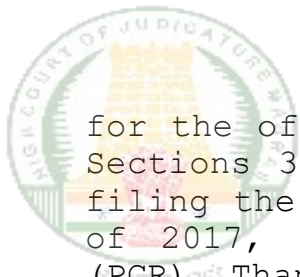
For R3 :Mr.T.Sathiyathan

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to S.S.C.No.103 of 2017 on the file of I-Additional District & Sessions Judge (PCR), Thanjavur and quash the proceedings, insofar as the petitioner is concerned.

2.Heard the learned Counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first and second respondents and the learned Counsel appearing for the third respondent.

3.The petitioner is the second accused in the criminal case in Cr.No.377 of 2016 on the file of the Inspector of Police, Madukkur Police Station, Thanajvur District. Based on the complaint lodged by the second respondent, a case was registered in Crime No.377 of 2016



for the offences punishable under Sections 147 and 506(i) of IPC r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. After filing the charge sheet, the same was taken on file in S.S.C.No.103 of 2017, on the file of I-Additional District & Sessions Judge (PCR), Thanjavur.

WEB COPY

4. It appears that on the advice of friends and elders, the parties have settled their dispute amicably out of Court and they have also entered into compromise. A Joint Compromise Memo, signed by both parties, in the presence of their respective Counsels, is also filed. As per the Joint Compromise Memo, the de-facto complainant, namely, the third respondent has agreed to quash the criminal proceedings in S.S.C.No.103 of 2017 on the file of I-Additional District & Sessions Judge (PCR), Thanjavur.

5. 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 Government Advocate (Criminal side) 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 communal peace and harmony. In the compromise memo, the de-facto complainant has agreed to quash the criminal proceedings and it is certain 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, where an offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

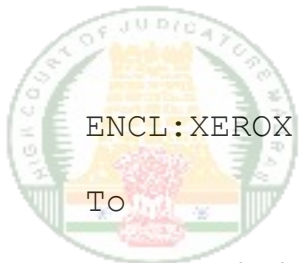
7. Having regard to the specific terms of the Joint Compromise Memo, this Court is of the view that no useful or fruitful purpose will be served by keeping this matter pending. Hence, the criminal proceedings in S.S.C.No.103 of 2017 on the file of I-Additional District & Sessions Judge (PCR), Thanjavur, is quashed insofar as the petitioner is concerned. The Joint Compromise Memo signed by the parties shall form part of the order.

8. Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar (CS-III)

/True copy/



ENCL:XEROX COPY OF COMPROMISE MEMO

To

1.I-Additional District & Sessions Judge (PCR),
Thanjavur.

2.The Assistant Superintendent of Police,
Pattukottai,
Thanjavur District.

3.The Inspector of Police,
Madukkur Police Station,
Thanajvur District.

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

+1cc to Mr.S.DEENADHAYALAN,Advocate,SR. 94000

CRL.O.P. (MD) No.17578 of 2017
20.12.2017

CMR

KK/SV MMS/SAR 1/25.01.2018/ 3P- 6C/