



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.12.2017
CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL OP (MD) No.17799 of 2017

1.Prabhu
2.Viswa @ Viswanath
3.Muthuvel
4.Ajithkumar
5.Abinesh
6.Tirupathi
7.Vinoth

... Petitioners/ Accused 1 to 7

Vs.

1.The Deputy Superintendent of Police,
Samayanallur,
Madurai District.

... 1st Respondent

2.State represented by,
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.597 of 2017)

... 2nd Respondent /Complainant

3.Deepa

... 3rd Respondent/De-facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in Crime No.597 of 2017 now pending on the file of the second respondent police and to quash the same as against the petitioners.

For Petitioners	: M/s.P.Jessi Jeeva Priya
For R-1 and R-2	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.
For R-3	: Mr.S.Sukumar

O R D E R

This Criminal Original petition is filed for quashing the First Information Report in Crime No.597 of 2017 pending on the file of the second respondent police as against the petitioners.



2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for respondents 1 and 2 and the learned counsel appearing for the third respondent.

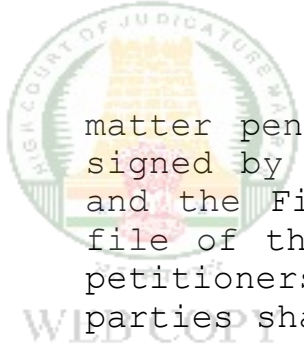
3. The petitioners are accused Nos. 1 to 7 in Crime No. 597 of 2017 on the file of the second respondent police. On the basis of the complaint lodged by the third respondent/de-facto complainant, a case was registered in Crime No. 597 of 2017, on 17.11.2017, for the alleged offences under Sections 147, 323, 294(b) of I.P.C., and Section 3(1)(r) and 3(1)(s) of SC/ST (P.O.A.) Amendment Act, 2015.

4. It appears that the parties, namely, the petitioners and the second respondent have settled their dispute amicably out of Court, at the intervention of family members and elders. The parties also have entered into a compromise. A Joint Compromise Memo, dated 20.12.2017, signed by the petitioners and the de-facto complainant in the presence of their respective counsels is produced before this Court. Though accused Nos. 8 and 9 are absent, it is stated by the third respondent in the Joint Compromise Memo that he has agreed to compound the offence and to withdraw the complaint in Crime No. 597 of 2017 as against the petitioners.

5. Today, the parties, namely, the petitioners 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 second 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 non compoundable, has quashed the proceedings on the basis of compromise memo.

7. In the light of the above and having regard to the specific <https://hcservices.ecourtsgov.in/hcserv/jcs/> 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 and the First Information Report in Crime No.597 of 2017 on the file of the second respondent police is quashed in so far as the petitioners are concerned. The Joint Compromise Memo 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 Deputy Superintendent of Police,
Samayanallur,
Madurai District.

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

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

+1cc to M/S.P.Jessi Jeeva Priya, Advocate SR.No. 94459

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pmu

JM/SV MMS/SAR 1/18.01.2018/3P/5C