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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) Nos.3029 and 3030 of 2017

CRL.O.P. (MD) No.3029 of 2017:

1.Baskaran
2.Pandi
3.Rasu @ Palaiya Seelai Rasu : Petitioners

Vs.

1.State rep. by,
The Inspector of Police,
Taluk Police Station,
Palani,
Dindigul District.
In Crime No.470 of 2016.

2.Dharmaraj : Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the FIR in Crime No.470 of 2016 dated 29.10.2016 on the file of the first respondent police and quash the same as against the petitioners.

For Petitioners : Mr.P.Mahendran
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

For Respondent No.2 : Mr.R.Jegadeeswaran

CRL.O.P. (MD) No.3030 of 2017:

1.Maruthamuthu
2.Suresh
3.Kalidoss
4.Kalidass @ Ramesh
5.Subramani @ Mani
6.Maruthamuthu @ Kalimuthu
7.Karthick
8.Manikandan
9.Saravanakumar @ Saravanan
10.Rajendran
11.Eswarasamy @ Eswaran



12.Dharmaraj
13.Maruthupandi
14.Pitchai Thevar

: Petitioners

Vs.

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1.State represented by
The Inspector of Police,
Taluk Police Station,
Palani,
Dindigul District.
In Crime No.471 of 20116

2. Baskaran

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the FIR in Crime No.471 of 2016 dated 29.10.2016 on the file of the first respondent and quash the same.

For Petitioners : Mr.R.Jegadeeswaran
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.P.Mahendran

COMMON ORDER

On the complaint lodged by one Dharmaraj, the respondent police registered a case in Crime No.470 of 2016, under Sections 147, 341, 294(b) and 307 of the Indian Penal Code against three accused, challenging which, the accused have filed Crl.O.P.(MD)No.3029 of 2017 for quashing the First Information Report on the ground that the parties have arrived at a compromise.

2. On the complaint of Baskaran, the respondent police registered a case in Crime No.471 of 2016, under Sections 147, 294(b), 323, 506(1) and 109 of the Indian Penal Code r/w 3(1) (r) (s) of SC/ST (Prevention of Atrocities) Act, 2016, against the petitioners, for quashing which, the petitioners/accused have filed Crl.O.P.(MD)No.3030 of 2017 on the ground that the parties have arrived at a compromise.

3. Today, when the matter was taken up for hearing, Mr.A.Marimuthu, Special Sub-Inspector of Police, Palani Taluk Police Station, is present in Court. The *defacto* complainant in both the cases and the petitioners/accused in both the cases are present. Their identifications were also verified by this



Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Criminal side) through Mr.A.Marimuthu, Special Sub-Inspector of Police, Palani Taluk Police Station.

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4. They have filed an individual compromise memo dated 06.03.2017 in each case signed by the respective accused and the *defacto* complainant, wherein they have stated as follows:

"3. It is submitted that now on the advice of the elders, both the petitioners and the defacto complainant are the same villagers and they have entered into compromise with regard to the said case and they themselves settle their disputes amicably. Therefore the 2nd respondent does not want to proceed with the case further and he has no objections to quash the FIRs.

It is therefore prayed that this Hon'ble Court may graciously be pleased to record this joint compromise memo and quash the FIR in Crime Nos.470 and 471 of 2016 dated 29.10.2016 on the file of the first respondent police and thus render justice."

5. It is seen that this is the case in counter. Under normal circumstances, an offence under Section 307 of the Indian Penal Code should not be quashed. However, in this case, it appears that the accused in both the cases were friends and while they were consuming liquor, a trouble broke between them, in which, one party said to have attacked the other party with a beer bottle.

6. Taking into consideration the nature of the injury sustained, the allegations in the two First Information Reports and the fact that the compromise memos have been filed before this Court, this Court is of the view that it will be in the interest of justice, if these petitions are allowed on terms.

7. In the result, these petitions are allowed and the prosecution in Crime Nos.470 and 471 of 2016 on the file of the first respondent, respectively, is quashed as against all the accused. The joint compromise memo in both the petitions shall form part of this order. However, the petitioners in both the petitions are directed to pay a sum of Rs.300/- (Rupees Three Hundred only) **each**, to the Rojavanam Homeless & Aged Care Centre, Melur Road, Uthangudi, Madurai, within a period of two weeks from today.



8. Post the matter on 03.04.2017 **"for reporting compliance"**.

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/True Copy/

sd/
Assistant Registrar

Sub Assistant Registrar-

SML

To

1.The Inspector of Police,
Taluk Police Station,
Palani,
Dindigul District.

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

Copy To : The Officer Incharge,
Rojavanam Homeless &
Aged Care Centre,
Melur Road, Uthangudi,
Madurai.

+1cc to Mr.P.Mahendran, Advocate in SR.No. 16023

+1cc to Mr.P.Jegadeeswaran, Advocate in SR.No. 16024

GJM/SKN/RSK/SAR-3-3.4.17-4p-6C

**Common Order made in
CRL.O.P. (MD) Nos.3029 and 3030 of 2017
Dated:-20.03.2017**