



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2017

CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.3489 of 2017

WEB COPY

1. Yasudeen @ Mohammed
Yasudeen
2. Amjath Khan
3. Syed Riswan Ali : Petitioners/A1, A2 & A4

-Vs-

1. The State represented by
The Deputy Superintendent of Police,
Keelakarai Taluk,
Ramanathapuram District.
2. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District. : Respondents/Complainant
3. Balamurgan : 3rd Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the calendar case in P.R.C.No.2 of 2017 on the file of the learned Judicial Magistrate No.1, Ramanathapuram and quash the same in so far as these petitioners are concerned.

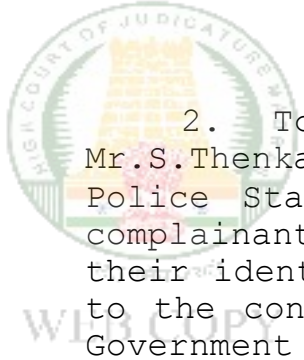
For Petitioners : Mr.S.Sathya Chidambaram

For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.side)
for R.1 and R.2

: Mr.B.Santhanam Rajesh Kumar
for R.3

O R D E R

On the complaint lodged by third respondent, a case in Crime No.92 of 2014 was registered and after completing the investigation, charge sheet has been filed in P.R.C.NO.2 of 2017, before the learned Judicial Magistrate No.I, Ramanathapuram for the offences under Sections 147, 341, 294(b), 323, 506(i) IPC r/w Sec 3 (i) (r) (s) and 3 (ii) (v-a) of SC/ST (POA) Act, 2014 against the petitioners herein, for quashing which, the petitioners and the *defacto* complainant are before this Court on the ground that they have arrived at a compromise.



2. Today, when the matter was taken up for hearing, Mr.S.Thenkarai Maharaja, Special Sub-Inspector of Police, Keelakari Police Station, Ramanathapuram District is present. The defacto complainant is present and all the other petitioners are present and 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.S.Thenkarai Maharaja, Special Sub-Inspector of Police, Keelakari Police Station, Ramanathapuram District.

3. Under normal circumstances, the prosecution under SC/ST Act should not be mechanically quashed, just because the parties have arrived at a compromise. In this case, this Court finds that both the accused and the defacto complainant are college students and that the defacto complainant who is before this Court submitted that taking into consideration the future of both sides, he has buried hatchet and has entered into the compromise on the intervention of elders of both sides. Both parties have filed the joint compromise memo dated 24.03.2017, wherein, it is stated as follows:

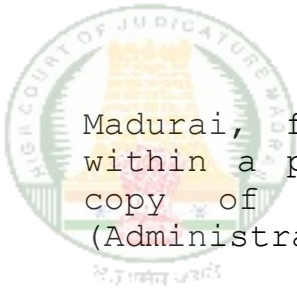
"3. It is submitted that after filing of the above petition as stated above, the well wishers of both the families elders as well as school authorities advised both the parties that in the interest of maintaining peace and harmony in the locality and aslo in the interest future of the parties, both parties have compromised themselves. Hence it is just and necessary to file this compromise memo before the Hon'ble Court and record the same and dispose of the above Crl.O.P. (MD)No.3489 of 2017.

"4. It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise arrived between the petitioner and the defacto complainant amicably and prays that this Hon'ble Court to quash the P.R.C.No.2 of 2017 on the file of learned Judicial Magistrate No.I, Ramanathapuram and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

4. In view of the above, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in Crime No.92 of 2014 on the file of the second respondent police, which was taken on file as P.R.C.No.2 of 2017, on the file of the learned Judicial Magistrate, No.I, Ramanathapuram, in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo dated 24.03.2017 shall form part of this order.

5. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount for the purpose of removal of Karuvelam Trees.

6. Accepting the submission, the petitioners are directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) **each**, to the credit of Indian Bank Savings Account No.6514082295, operated by the Registrar (Administration), Madurai Bench of Madras High Court,



Madurai, for the purpose of removal of Seemai Karuvelam Trees, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

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/True Copy/

Sd/-

Assistant Registrar(RTI)

Sub-Assistant Registrar

To

1.

The Deputy Superintendent of Police,
Keelakarai Taluk,
Ramanathapuram District.

2. The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.

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

COPY TO:

THE REGISTRAR (ADMINISTRATION),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Ssl/psd

MAS/SKN-RSK/SAR2:05.04.2017:2P-5C

CRL.O.P.(MD) No.3489 of 2017

Dated: 27.03.2017