



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD).No.5397 of 2017

1.Alagusundaram
2.Chinnakasi
3.Paulsamy
4.Ayyanar
5.Vijayarajan
6.Perumal
7.Ramar

: Petitioners

-Vs-

1.The State Rep. by its
Inspector of Police,
Saptur Police Station,
Madurai District.
(Cr.No.161 of 2015).

2.R.Vivek

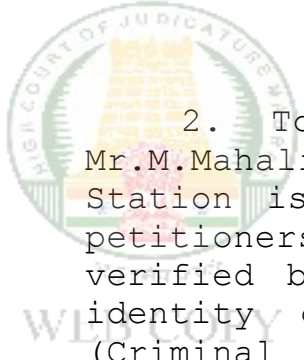
: Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records of pending final report No.62/2016 in Spl.S.C.No.133/2016 dated 18.07.2016 pending on the file of the learned Third Additional District and Sessions Judge (PCR), Madurai, in Crime No.161 of 2015 for the offence under Sections 147, 148, 324, 307 IPC and 3(1)(x) SC/ST Act and to quash the same.

For Petitioners : Mr.S.Pakalavan
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For Respondent No.2 :Mr.C.M.Marichellaiah Prabu

O R D E R

On the complaint lodged by Vivek, the respondent police registered a case in Crime No.161 of 2015 and after completing the investigation, has filed a charge sheet in Spl.S.C.No.133 of 2016 before the learned Third Additional District and Sessions Judge (PCR), Madurai, against the petitioners/accused for offences under Sections 147, 148, 114, 324, 307 of the Indian Penal Code r/w 149 of the Indian Penal Code and Section 3(1)(x) of SC/ST Act, for quashing which, the petitioners and the defacto complainant are before this Court on the ground that they have arrived at a



2. Today, when the matter was taken up for hearing, Mr.M.Mahalingam, Special Sub-Inspector of Police, Saptur Police Station is present. The defacto complainant is present and the petitioners are also 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.M.Mahalingam, Special Sub-Inspector of Police, Saptur Police Station.

3. Today, the defacto complainant and one other witness, by name Alagarsamy, who was injured in the incident, are present. They have filed a joint compromise memo dated 24.04.2017, in which, in paragraph Nos.2 to 4, it is stated as follows:

"2. We hereby respectfully states that the entire cases of the prosecutions arise out of the misunderstanding of the speech of the friends for which the petitioners herein suffered a lot.

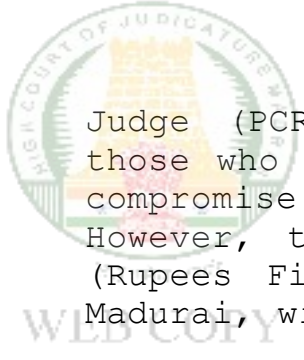
3. We hereby respectfully states that in order to maintain peace and harmony in the family relationship and friendship the 2nd respondent agreed for this compromise petition and hence the present averments in the Final Report has to be quashed and with great respect states that the pendency of the present criminal case breaks the harmony and peacefulness of the present relationship between each others.

4. We hereby with great respect submit that we both with the instance of our elder family members entered into compromise as no purpose is going to be served in conducting the present criminal case, wherein, in turn it will spoil the carrier of the petitioners."

4. Under normal circumstances, an offence under Section 307 of the Indian Penal Code and an offence under SC/ST Act cannot be quashed on the ground that the parties have arrived at a compromise. However, in this case, it is seen that the accused had thrown a brick on the defacto complainant and Alagarsamy and they have suffered simple injuries. That apart, the petitioners and the defacto complainant belong to the same village and at the intervention of elders in the locality, the parties have arrived at an amicable settlement.

5. The learned Government Advocate (Criminal side) also submitted that peace prevails in the area between the two communities.

6. Taking into consideration the nature of the weapon used and the injuries sustained by the victims, this petition is allowed and the entire prosecution in Spl.S.C.No.133/2016 on the file of the learned Third Additional District and Sessions



Judge (PCR), Madurai, in respect of all the accused including those who are not before this Court are hereby quashed. The joint compromise memo dated 24.04.2017 shall form part of this order. However, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred only) each to the Curator, Gandhi Museum, Madurai, within a period of two weeks from today.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Third Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Inspector of Police,
Saptur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.Curator, Gandhi Museum,
Madurai.

+2cc to M/S.S.Pakalavan, Advocate SR.No. 61034

Order made in
Cr1.O.P.(MD) No.5397 of 2017
Dated: 20.06.2017

SML
JM/JC/SAR 2/06.07.2017/3P/7C