



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM

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

Crl.O.P.(MD) No.4958 of 2017

- 1.Dharmalingam
- 2.Mani @ Manikandan
- 3.Jothi
- 4.Ammaiappan

: Petitioners/Petitioners/Accused Nos.1to4
-vs-

- 1.State rep by

The Inspector of Police,
Koodalpudur Police Station,
Koodalpudur,
Madurai District.

:1st Respondent/1st Respondent/Complainant

- 2.Krishnan

:2nd Respondent/De-facto complainant

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to call for the records of the Charge Sheet in S.C.No.94 of 2016 on the file of the III Additional Sessions Judge (PCR) Court, Madurai and quash the same.

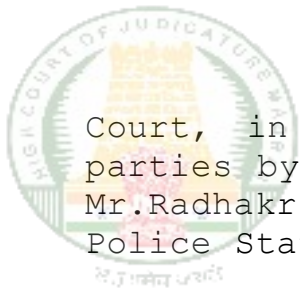
For Petitioners
For Respondents

:Mr. C.M.Marichellaiah Prabu
:Mr.K.Anbarasan
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by one Krishnan / 2nd respondent, the first respondent police registered a case in Crime No.113 of 2013 and after completing the investigation, filed a charge sheet in S.S.C.No.94 of 2016 before the III Additional Sessions Judge (PCR) Court, Madurai, for offences under Sections 323 and 506(i) of the Indian Penal Code and 3(1)(x) of SC/ST Act, against the petitioners, challenging which, the accused and the defacto complainant are before this Court for quashing the Charge Sheet against the petitioners on the ground that they have arrived at a compromise.

2. Today, when the matter is taken up for hearing, Mr.Radhakrishnan, Special Sub Inspector of Police, Koodal Pudur Police Station, Koodalpudur, Madurai, is present in Court. The de-facto complainant is present and the accused are also present. The identifications of the accused 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. Radhakrishnan, Special Sub Inspector of Police, Koodal Pudur Police Station, Koodalpudur, Madurai.

3. Under normal circumstances, an offence under SC/ST Act should not be quashed on the ground that the parties have arrived at a compromise. However, in this case, it is seen that the alleged dispute taken place during the local temple festival between the de-facto complainant and the accused. It is alleged by the de-facto complainant that the accused abused the de-facto complainant.

4. The petitioners and the second respondent have filed an affidavit along with a joint compromise memo dated 11.04.2017, in which, it has been stated as follows:

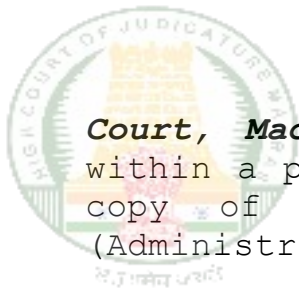
"2. The petitioners and the 2nd Respondent further submit that during the pendency of the proceeding, at the intervention of the elders, both the parties have sat together, in which an amicable conclusion has been arrived at and as one part of a conclusion, the 2nd respondent has agreed to say no objection for the purpose of quashing the present criminal proceeding.

3. The petitioners as well as the 2nd respondent jointly submit that such compromise has been taken place purely with an intention to settle it among them and it is purely voluntary by the parties concerned. Hence, in order to avoid further ordeal of trial before the Trial Court, they are preferred to be present before this Hon'ble Court whenever it is required. This Hon'ble Court by taking into consideration of the above said aspects with regard to the compromise and in the interest of the parties, can leniently look into the present issue, as such the prior sought for by the petitioners can be allowed."

5. In view of the affidavit along with a compromise memo dated 11.04.2017, 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 Charge Sheet in S.S.C.No.94 of 2016 pending on the file of the III Additional Sessions Judge (PCR) Court, Madurai in respect of all the accused are hereby quashed. The affidavit along with a compromise memo dated 11.04.2017 shall form part of this order.

6. 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.

7. Accepting the submission, the petitioners are directed to pay a sum of Rs.500/- (Rupees Five Hundred 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 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.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1.The III Additional Sessions Judge
(PCR) Court,
Madurai.

2.The Inspector of Police,
Koodalpudur Police Station,
Koodalpudur,
Madurai 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.

+5 CCS TO MR.C.M.MARI CHELLIAH PRABU, ADVOCATE, SR NOS.54623

NS

MAS/JC/SAR AE:04.05.2017:3P-10C

Order made in
Cr1.O.P.(MD) No.4958 of 2017
Dated: 24.04.2017