



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.04.2018

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THE HON'BLE MR.JUSTICE **D.KRISHNAKUMAR****CRL.O.P.(MD)No.3949 of 2018**

Kumar .. Petitioner/Accused No.3

.. Vs ..

1.State Rep.by,
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District
(Crime No.19 of 2007) .. 1st Respondent/Complainant

2.Jothivel .. 2nd Respondent /Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to the case in S.C.No.55 of 2018 on the file of the Sub Court, Pattukottai, Thanjavur District and quash the same as against the petitioners concern.

(Amended as per order of this Court made in Crl.M.P.(MD) No.2175 of 2018 in Crl.O.P(MD) No.3949 of 2018 dated 6.4.2018)

For Petitioner : Mr.M.Pitchai Muthu
For R1 : Mr.K.K.Ramakrishnan
Additional Government Pleader
For R2 : Mr. P.Maharaja

O R D E R

This petition has been filed seeking to quash the proceedings in S.C.NO.55 of 2018 on the file fo the Sub Court, Pattukottai, Thanjavur District, pursuant to the amicable settlement effected between the parties.

2.The learned counsel appearing for the petitioner further submitted that the petitioner/A3 was charged for the offences under Sections 148, 341, 294(b) I.P.C and totally, there are eight accused in this case. Since Non Bailable Warrant as against the petitioner/A3 was pending, the case was split up against him in P.R.C.No.7 of 2012. After committal proceedings was over, the case was numbered as S.C.No. 55 of 2018 on the file of the Sub Court, Pattukottai, Thanjavur District. The learned counsel appearing for



the petitioner/third accused further submits that all the other accused were acquitted by the learned Assistant Sessions Judge, Pattukkottai by judgment dated 27.09.2012 and the learned counsel for the petitioner has produced the copy of that judgment before this Court.

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3. The learned counsel appearing for the second respondent/defacto complainant admits that the matter has been compromised between the parties.

4. When the matter is taken up for hearing, the petitioner/third Accused and the second respondent, appeared in persons and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Additional Public Prosecutor through the respondent Police. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

5. The learned counsel appearing on either side filed a joint memo of compromise dated 23.2.2018, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent/defacto complainant has agreed to withdraw the proceedings in S.C.NO.55 of 2018 on the file of the Sub Court, Pattukottai, Thanjavur District.

6. When such a situation arose in similarly placed matters in **Crl.O.P. (MD) Nos.406, 530 and 864 of 2016 (Prabu and others vs. State Rep. By The Inspector of Police and others), decided on 28.01.2016**, this Court considered the various decisions rendered by the Hon'ble Supreme Court in this regard in several cases, namely, **Gian Singh vs. State of Punjab and another [(2012) 10 SCC 303]**, **B.S.Joshi vs. State of Haryana [(2003) 4 SCC 675]**, **Nikhil Merchant vs. CBI [(2008) 9 SCC 677]**, **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]** and **State of Madhya Pradesh vs. Manish and others [(2015) 8 SCC 307]** and observed as under:

"11. If the offences against women and children and the IPC offences falling under the categories, like, murder, attempt to murder, offence against unsound mind, rape, bribe, fabrication of documents, false evidence, robbery, dacoity, abduction, kidnapping, minor girl rape, idol theft, preventing a public servant from discharging of his/her duty, outrage of woman modesty, counterfeiting currency notes or bank notes, etc., are allowed to be compounded, it will surely have serious repercussion on the society, as the above mentioned list is only illustrative and not exhaustive. Similarly, any compromise between the victim and the offender in relation to the offences clubbed

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8. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memos dated 23.2.2018 shall form part of this order. The petitioner is directed to pay the cost of Rs.3000/- (Rupees three thousand only) to the Tamil Nadu Mediation and Conciliation Centre, attached to this Bench, under the head of the Infrastructure Fund, within a period of two weeks from the date of receipt of a copy of this order.

Assistant Registrar (CS-I))

se memos



2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

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

4. The Officer Incharge,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai.

CM

VB/RSK/SAR3/22/05/2018/4P/5C

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