



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2018

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THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

Crl.O.P.(MD) No.17765 of 2017

Chinnamalai ...Petitioner/Sole Accused

-Vs-

1. The State represented by its,
The Deputy Superintendent of Police,
Melur Subdivision,
Madurai District.

2. The Inspector of Police,
Melur Police Station,
Madurai District
(Crime No.244 of 2013)

.... Respondent/Complainant

3. Veeran ... Respondent/De-facto
Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records pertaining to the case in P.R.C.No.3 of 2014 on the file of the learned Judicial Magistrate, Melur, Madurai District and quash the same.

For Petitioners :Mr.P.Saravanan

For R-1 & R-2 :Mr.O.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R-3 :Mr.S.Sankar

ORDER

This Criminal Original petition has been filed to quash the case in P.R.C.No.3 of 2014 on the file of the learned Judicial Magistrate, Melur, Madurai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first and second respondents and the learned counsel appearing for the third respondent.



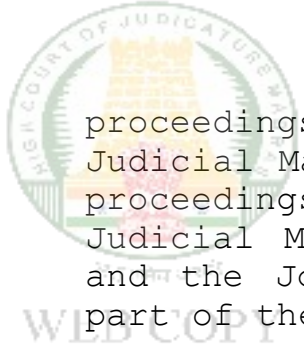
3. The petitioner is the sole accused in Crime No.244 of 2013 and the third respondent is the defacto complainant in the above said crime number. The complaint in Crime No.244 of 2013 was registered for the offences punishable under Sections 294(b), 355, 323 I.P.C and Section 3(i) (x) of Prevention of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the file of the second respondent police. The petitioner is arrayed as sole accused in the above said crime number. The first respondent has investigated the matter and filed the final report before the learned Judicial Magistrate, Melur, Madurai District against the accused. Thereafter, the said case was taken on file in P.R.C.No.3 of 2014, by the learned learned Judicial Magistrate, Melur, Madurai District.

4. It appears that at the advise of the elders and friends, the petitioner and third respondent have agreed to compromise the matter, out of Court. Joint Compromise Memo, dated 19.12.2017 is also filed to that effect. As per the Joint Compromise Memo, the de-facto complainant, namely, the third respondent has given his consent to quash the entire proceedings in P.R.C.No.3 of 2014, on file of the learned Judicial Magistrate, Melur, Madurai District.

5. Today, the parties appeared before this Court and expressed in unequivocal terms that they have signed in the Joint Compromise Memos on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identities of the parties are also confirmed by the learned Government Advocate (Crl.Side) through the first respondent police.

6. Under normal circumstances, a criminal case attracting provisions of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Ordinances-2014, cannot be quashed, on the ground that compromise has been entered into both parties. Though the complaint states serious offences, the defacto complainant has agreed to withdraw the complaint, taking into account the public peace and communal harmony. In the compromise memo, the defacto complainant has agreed to quash the criminal proceedings and it is likely that the the criminal case will end in acquittal, of course, after some harassment and inconvenience to the parties. The Honourable Supreme Court also in a case of this nature, though the offence is non compoundable, has quashed the proceedings on the basis of compromise memo.

7. In the light of the above and in view of the specific terms of the Joint Compromise Memo, this Court is of the view that no ~~order~~ will be served by keeping these matters pending. As per the Compromise Memo signed by the parties, the de-facto complainant, namely, the third respondent has agreed to quash the



proceedings in P.R.C.No.3 of 2014 on the file of the learned Judicial Magistrate, Melur, Madurai District. Hence the criminal proceedings in P.R.C.No.3 of 2014 on the file of the learned Judicial Magistrate, Melur, Madurai District are quashed in *toto* and the Joint Compromise Memo signed by the parties shall form part of the order.

8. Accordingly, this Criminal Original petitions is allowed.
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

ENCL: XEROX COPY OF JOINT COMPROMISE MEMO

To

1. The Judicial Magistrate, Melur,
Madurai District.
2. The Deputy Superintendent of Police,
Melur Subdivision,
Madurai District.
3. The Inspector of Police,
Melur Police Station,
Madurai District
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Saravanan, Advocate Sr.No.46625

VS

VB/SV/MMS/SAR3/20.02.2018/3P/6C

Cr1.O.P.(MD) No.17765 of 2017
05.02.2018