



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.3214 of 2020

1. Alagu Sundaram
2. Prathab Pothan @ Prathab ..Petitioners/A2 & A3

Vs.

1. State through the Sub-Inspector of Police,
Sipcot Police Station,
Sivagangai District.
Crime No. 187 of 2019. ...R-1/Complainant
2. Manikandan ... R-2/Defacto complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records from the first respondent police in Spl. S.C. No. 7 of 2020 on the file of the Special Court, District and Sessions Court, Sivagangai and quash the same as devoid of merits.

For Petitioners : Mr.A. Haja Mohideen
For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor
For R2 : Mr.L. Alagusundaram

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in Spl. S.C. No. 7 of 2020 on the file of the Special Court, District and Sessions Court, Sivagangai, against the petitioners for the offences under Sections 147, 148, 294(b), 324, 506(2) of IPC and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act, 1989.

2. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



3. The learned counsel appearing for the second respondent/defacto complainant would submit that there are totally five accused persons in this case. He would further submit that though, the petition has been filed by the accused Nos.2 & 3, the second respondent has no objection in the case being quashed against the other accused persons who are not present before this Court since the matter has been compromised.

4. This Court is of the opinion that that in view of the stand of the second respondent/defacto complainant no useful purpose will be served in keeping the proceedings in Spl. S.C. No. 7 of 2020 pending on the file of the Special Court, District and Sessions Court, Sivagangai against the accused persons.

5. A Joint Memo of Compromise has been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by the police officials. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

6. Under such circumstances, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraht)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the proceedings in Spl. S.C. No. 7 of 2020.

7. Accordingly, this Criminal Original Petition stands allowed and the proceedings in Spl. S.C. No. 7 of 2020 on the file of the Special Court, District and Sessions Court, Sivagangai against the accused persons is quashed, on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Credit of the Madras High Court Madurai Bench Advocate Clerk's Welfare Association". The terms of joint compromise memo shall form part and parcel of this order.

8. For Reporting compliance, post the matter on **05.03.2020.**

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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ENCL. XEROX COPY OF JOINT COMPROMISE MEMO.
<https://hcservices.courts.gov.in/hcservices>



To

1. The Special Court,
District and Sessions Court, Sivagangai .

2. The Sub-Inspector of Police,
Sipcot Police Station,
Sivagangai District.

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

copy to

The Advocate Clerk's Welfare Association,
Madurai Bench of Madras High Court, Madurai.

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KG (CO)
TR (03.03.2020) 3P 5C