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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10517 of 2021
and
Crl.M.P.No.6319 of 2021

1.M.Shanmugasundaram
2.S.Raja
3.B.Vigneshwaran
4.B.Satish
5.B.Rajesh

... Petitioners

Versus

1. State represented by,
Inspector of Police,
Koradachery Police Station,
Tiruvarur.

2. G.Chandramohan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in respect of the case registered in FIR No.405 of 2016 on the file of the Koradachery Police Station, Thiruvarur U/s.294(b), 352, 342, 147 of IPC & Sec.3(1)(r), 3(2)(va) of SC & ST (Prevention of Atrocities Amendment Act 2015) now alter to Sections 294(b), 352, 342, 147 IPC 448, 384 & 120(B) of IPC and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.G.Bala

For R1 : Mr.A.Damodaran,
Government Advocate (Crl. Side)

For R2 : Mr.A.Jayaraman

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.405 of 2016, dated 24.11.2016 on the file of the



1st respondent Police.

2. The case of the prosecution is that the 2nd respondent was working under one Manoharan. On 16.10.2016, the 2nd respondent visited the house of Manoharan to receive the money for his work. At that time, there was fight between the said Manoharan and the petitioners with regard to compound wall. When the petitioners attempted to attack Manoharan, the 2nd respondent prevented them. Due to which, the petitioners assaulted the 2nd respondent and abused him by using his caste name in the public place. Thereafter, the 2nd respondent asked the reason from the villagers for the attack made by the petitioners. Since there was no response, he lodged the complaint before the 1st respondent Police. On receipt of the same, a case in Crime No.405 of 2016 was registered on 24.11.2016 for offence under Sections 294(b), 352, 342 and 147 of IPC and Sections 3(1)(r) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

3. The case is still at the stage of investigation. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

4. A compromise deed dated 16.07.2021 has been filed by the 2nd respondent. The petitioners and the 2nd respondent are present through Video conferencing. In the compromise deed, it is stated that since the 2nd respondent and the petitioner hail from the same village, now compromised, he is not inclined to proceed with the investigation further. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. Under such circumstances, no useful purpose will be served in keeping the First Information Report pending, 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 Gujrat), and after exercising due caution as advised by the Hon'ble Supreme Court in The State of Madhya Pradesh v. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10), this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes the First Information Report in Crime No.405 of 2016, on the file of the 1st respondent Police.

6. This Criminal Original Petition stands allowed and as a



sequel, the investigation in Crime No.405 of 2016, on the file of the 1st respondent police, is quashed against the petitioners. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Koradachery Police Station,
Tiruvarur.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10517 of 2021

GPL(CO)
SU(01/09/2021)