



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.17665 of 2021

S.Sethupathi

... Petitioner

Vs.

1.State represented by
The Deputy Superintendent of Police,
Othakadai,
Madurai District.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
(In Crime No.357 of 2019)

3.P.Shanmugavel

... Respondents

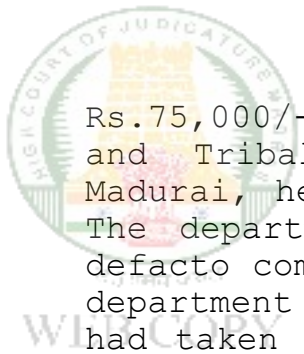
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records impugned charge in Spl.S.C.No.70 of 2021 on the file of the III Additional District Court (PCR Cases), Madurai and quash the same.

For Petitioner	:	Mr.S.Sethupathi
For Respondents	:	Mr.T.Senthilkumar, Addl. Public Prosecutor for R1 & R2 Mr.K.Mariyappan for R3.

O R D E R

This criminal original petition has been filed to quash the proceedings in Spl.C.C.No.70 of 2021 on the file of the III Additional District Court (PCR Cases), Madurai

2.The defacto complainant/P.Shanmugavel is present before this Court in person. He has been duly identified by Mr.S.Sethupathi, (Enrollment No.2381 of 2012). A joint memo of compromise has also been filed. When the defacto complainant himself has decided not to pursue the complaint, no purpose will be served in keeping the impugned prosecution alive. Hence, in the interest of justice, the impugned proceedings are quashed and the criminal original petition is allowed based on memo of joint compromise dated 30.09.2021. Since the defacto complainant/P.Shanmugavel had received a sum of



Rs.75,000/- as compensation from the Welfare Officer, Adi Dravidar and Tribal Welfare Department, District Collectorate Compld, Madurai, he undertakes to return the said amount to the department. The department is directed to accept the amount returned by the defacto complainant. I am constrained to give this direction to the department for the reason that in some of the cases, the department had taken the stand that they are only authorized to disburse the compensation alone and that they cannot accept the return of the amount. Such stand cannot be accepted for the simple reason that compensation is paid because the State perceives the defacto complainant as a victim. Since the matter has been compromised for whatever reason, it is only just and proper that the victim is not allowed to retain the amount. The defacto complainant undertakes to return the said amount of Rs.75,000/- within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (AR(CO))

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Additional District Court (PCR Cases),
Madurai.
- 2.The Deputy Superintendent of Police,
Othakadai, Madurai District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.17665 of 2021
15.11.2021

AR(CO)

<https://hccs.courts.gov.in/services> 2P 5C