



CRL.O.P(MD)No.7868 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

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- 1.Murugan
- 2.Balamurugan
- 3.Samy
- 4.Gandhi
- 5.Madasamy
- 6.Selvamohandoss
- 7.Kalidoss

... Petitioners

Versus

- 1.The Deputy Superintendent of Police,
Alagulam Division,
Tirunelveli District.
- 2.The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
- 3.Jayakumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to S.C.No.86 of 2015 on the file of the II Additional Sessions Judge, Tirunelveli and quash the same by allowing this Criminal Original Petition.



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For Petitioners : Mr.C.Emalias for
Mr.C.Iyyapparaj

For R1 & R2 : Mr.Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)

For R3 : Mr.D.Venkatesh

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.C.No.86 of 2015, on the file of the II Additional Sessions Court, Tirunelveli, for offence under Sections 147, 148, 323 & 506(ii) of IPC and Section 3(1)(r and s) and 3(2)(r and a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance Act, 2014.

2.As the parties have decided to compromise the dispute amicably among themselves, they have filed the present petition to quash the proceedings, in view of the compromise entered between the parties.



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3.The petitioners and the 2nd respondent filed Joint Compromise Affidavit to the effect that the petitioners and the 2nd respondent compromised the issue and hence, the proceedings against the petitioners may be quashed.

4.The petitioners and the 2nd respondent are present before this Court and they were identified by Mr.E.Suresh, Inspector of Police, attached to the 2nd respondent Police Station, who is also present at the time of hearing. In order to identify the respective parties, they have also produced the copies of the Aadhaar Card and it is made part of the record. In the Joint Compromise Memo, it has been stated that the petitioners and the 2nd respondent have entered into a compromise and amicably settled their issues in S.C.No.86 of 2015. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.



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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. The Hon'ble Supreme Court in the case of *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*, reported in *2017 9 SCC 641* and in case of *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* reported in *(2019) 2 MLJ Crl 10*, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

6. In the present case, the offences in question are purely individual/personal in nature. It involves the petitioners and the 2nd



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respondent and their respective families only. Quashing the criminal proceedings, will not affect any overriding public interest in this case. No useful purpose will be served in continuing with the criminal proceedings and keeping the FIR pending will only swell the mental agony of the petitioners, 2nd respondent and their families.

7.In view of the above, this Court is inclined to quash the proceedings in S.C.No.86 of 2015, on the file of the II Additional Sessions Court, Tirunelveli, in exercise of its jurisdiction under Section 482 Cr.P.C.

8.Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.86 of 2015, on the file of the II Additional Sessions Court, Tirunelveli, is quashed against the petitioners.

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Index: Yes/No

Internet: Yes/No

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To

- 1.The II Additional Sessions Court,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Alagulam Division,
Tirunelveli District.
- 3.The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
- 4.The Public Prosecutor,
High Court, Madras.

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