



Crl.O.P.(MD) No.1934 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Suresh

... Petitioner

Vs.

1.The State,
Represented by,
The Deputy Superintendent of Police,
Alangulam Division,
Tirunelveli District.
(Presently Tenkasi District).

2.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
(Presently Tenkasi District)
(In Crime No.199 of 2016)

3.Suresh

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying To call for the records pertaining to the Charge Sheet in Spl.S.C.No.65 of 2017 on the file of the learned II-nd Additional District Judge (PCR), Tirunelveli and quash the same so far as the petitioner is concerned.



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For Petitioner : Mr.K.Navaneetharaja

For R-1 and R-2 : Mr.A.Albert James,
Government Advocate,
(Criminal Side).

For R-3 : Mr.M.Kaushikan

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.65 of 2017 on the file of the learned II-nd Additional District Judge (PCR), Tirunelveli.

2.The case of the prosecution is that there was a dispute between the petitioner and the third respondent. Hence, a complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in Spl.S.C.No.65 of 2017 on the file of the learned II-nd Additional District Judge (PCR), Tirunelveli and it is pending for trial.

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



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4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the third respondent and also by their respective counsel. The petitioner and the third respondent were also present in person before this Court and they were identified by Mr.Antony Paulraj, Special Sub Inspector of Police, Alangulam Police Station, Tirunelveli District as well as by the learned Counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, the dispute is of personal in nature and the parties had compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 147, 294(b), 323, 324 and 506(ii) I.P.C and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014.

6. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Panjab and another*** reported in



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(2012)10 SCC 303 and Parbathbhai Aahir @ Parbathbhai Vs. State of

Gujrath) reported in (2017)9 SCC 641 were taken into consideration.

7. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in Spl.S.C.No.65 of 2017 pending before the learned II-nd Additional District Judge (PCR), Tirunelveli, even though, the offences involved are not compoundable in nature.

8. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.65 of 2017 on the file of the learned II-nd Additional District Judge (PCR), Tirunelveli is quashed and the terms of joint compromise memo shall form part and parcel of this order.

13.07.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

Nsr



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- 1.The Second Additional District Judge (PCR),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Alangulam Division,
Tirunelveli District.
(Presently Tenkasi District).
- 3.The Inspector of Police,
Alangulam Police Station,
Tirunelveli District.
(Presently Tenkasi District)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

Nsr

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