



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD) .No.4803 of 2021

Kalimuthu

... Petitioner/Sole Accused

Vs.

1.The State represented by

The Deputy Superintendent of Police,
Rajapalayam Sub Division, Virudhunagar
District, All Women Police Station
(in Cr No. 02/2011)

2.The Inspector of Police

All Women Police Station, Rajapalayam.
(in Cr No. 02/2011)

... 1 and 2 Respondents/Complainant

3.Gurupappa

...3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to Call for the records pertaining to the charge sheet in Spl. S.C No. 05/2013 filed u/s. 417, 376 of IPC and 3(1)(x), 3(x11), 3(2) (V) of SC/ST Act on the file of the Sessions Judge , Special Court for Trial of SC /SC (POA) Act, Virudhunagar at Srivelliputhur and quash the same as illegal as against this petitioner.

For Petitioner : Mr.S.A.S.Alaudeen

For R1 and R2 : Mr.R.M.Anbunithi

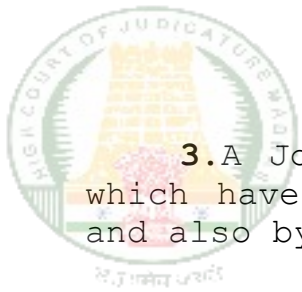
Additional Public Prosecutor

For R3 : Mr.Mohammed Shajakhan

ORDER

The Criminal Original Petition has been filed to quash the charge sheet in Spl.S.C.No.05/2013, on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, Virudhunagar at Srivelliputhur, for an alleged offences under Sections 417, 376 of IPC and 3(1)(x), 3(x11), 3(2) (v) of Scheduled Caste and Scheduled Tribe Act.

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.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.

4.Under such circumstances, no useful purpose will be served in keeping the First Information Report pending before the respondent police. 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)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the Charge Sheet in Spl.S.C.No.05/2013, on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act, Viruthunagar at Srivelliputhur.

5.This Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.05/2013, on the file of the learned Sessions Judge, Special Court for Trial of SC/St (POA) Act, Viruthunagar at Srivelliputhur, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order. Further, the petitioner shall pay a sum of Rs.5,000/- as costs, to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), on or before **02.05.2022** and the receipt of payment shall be produced before the concerned Court and the third respondent is directed to return a sum of **Rs.1,50,000/-**, which is said to be received as 'Atrocity Fund' to the District Adi Dravidar Welfare Officer, Viruthunagar, on or before **30.05.2022**, failing which the order shall stand dismissed automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

ENCL:Xerox Copy of Joint Compromise Memo

To

1.The Sessions Judge,
Special Court for Trial of SC/ST
(POA) Act,
Viruthunagar at Srivilliputhur,

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
Rajapalayam Sub Division,
Virudhunagar District,

3.The Inspector of Police
All Women Police Station, Rajapalayam.

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

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
FINANCE (CMPRF) DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI 600 009.

COPY TO:

THE OFFICER INCHARGE,
THE DISTRICT ADI DRAVIDAR WELFARE OFFICER,
VIRUTHUNAGAR.

Crl.O.P. (MD) .No.4803 of 2021
25.04.2022

SRK (CO)
GC (27.04.2022) 3P 7C