



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10639 of 2022

WEB COPY

Muthukumar

: Petitioner/Sole Accused

Vs

1. The Assistant Commissioner Of Police,
Palayamkottai,
Tirunelveli District.

2. The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

Crime No.87 of 2022 ... 1st & 2nd Respondents / Complainants

3. Muthuprakash, ... 3rd Respondent / Defacto complainant

4. Ramasubramanian, ... 4th Respondent / Victim

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records on FIR in Crime No.87 of 2022 on the file of the second respondent and quash the same.

For petitioner	: M/s.Angusamy V,
For R1 and R2	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor
For R3 and R4	: Mr.A.Balaji

O R D E R

This Criminal Original Petition has been filed to quash the FIR in Crime No.87 of 2022, for the offences under Sections 341, 394 (b), 324 and 506(2) of IPC and Sections 3(1)(r), 3(1)(a) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the second respondent.

2.The case of the prosecution is that on 01.06.2022, the defacto complainant and the fourth respondent trespassed into the petitioner's garden. Hence, there was quarrel between the petitioner and the private respondents. In this quarrel, it is said that the private respondent was abused with their caste name. Hence the complaint.



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 Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the respondents 3 and 4 and also by their respective counsel. The petitioner and the respondents 3 and 4 were also present in person before this Court and they were identified by Mr.A.Arumuga Nainar, SSI of Police, Kurumbur Police Station. 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 341, 394(b), 324 and 506(2) of IPC and Sections 3(1)(r), 3(1)(a) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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 ***(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 Crime No.87 of 2022 pending before the second respondent police, 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 Crime No.87 of 2022 on the file of the second respondent police, is quashed insofar as the petitioner alone and the terms of joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Encl.: xerox copy of Joint Compromise memo.

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To

1. The Assistant Commissioner Of Police,
Palayamkottai,
Tirunelveli District.

2. The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.

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

+1 CC to M/s.V. ANGUSAMY, Advocate (SR-26214[F] dated 16/06/2022)

ORDER IN

CRL.O.P (MD) No.10639 of 2022

16.06.2022

na (CO)

TR(24.06.2022) 3P 5C