



Crl.O.P.(MD) No.11956 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.11956 of 2022

1.Naganathan

2.Manoj @ Manojkumar

...Petitioners/
Accused Nos.1 & 2

Vs.

1.The State represented by,
The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
(Crime No.430 of 2012)

... 1st Respondent/
Complainant

2.Govindan @ Govindaraj

...2nd Respondent/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to the proceedings in S.C.No.51 of 2013 on the file of learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989, Sivagangai and quash the same.



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For Petitioners : Mr.S.Mahendrapathy
For R-1 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to quash the case in S.C.No.51 of 2013 on the file of learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989, Sivagangai.

2.The case of the prosecution is that there was already a dispute between the petitioner and the second respondent with regard to fetch water. On 13.08.2012, when the second respondent's cattle entered into the front portion of the house of the petitioner, wordy quarrel arose between them. Hence, the complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in S.C.No.51 of 2013 on the file of learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989, Sivagangai 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 petitioners and the second respondent and also by their respective counsel. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.Chezhian, Sub Inspector of Police, Ilayangudi Police Station, Sivagangai District as well as by the learned Counsels appearing for both 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 341, 294(b), 324, 506(ii) IPC r/w 3(1) (x) SC/ST (PoA) Act @ 341, 323 IPC r/w 3(1)(x) SC/ST (PoA) Act 1989.

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.



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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 S.C.No.51 of 2013 pending before the learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989, Sivagangai, 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 S.C.No.51 of 2013, on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989, Sivagangai is quashed and the terms of joint compromise memo shall form part and parcel of this order.

05.07.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
Nsr



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WEB COPY To

- 1.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 2.The Special Court,
for Exclusive Trial of Cases under SC/ST(POA) Act Cases 1989,
Sivagangai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.



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V.SIVAGNANAM, J.

Nsr

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