



CrI.O.P.(MD) No.12301 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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1.Selvam @ Selvaraj

2.Vadivelu

3.Muthusamy

4.George

5.Arivzlagan

6.Sharma

7.Rubart

8.Nagarajan

9.Subash @ Leo Subash

...Petitioners

Vs.

1.The Deputy Superintendent of Police,
Kulithalai,
Karur District.



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2.The State,
Represented by,
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.125 of 2021).

3.Radha

... Respondents

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.3 of 2022 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POD) Act cases 1989, Karur and quash the same as against the petitioners.

For Petitioners : Mr.Karunanithi

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

For R-3 : Mr.A.Thiyagarajan

ORDER

The Criminal Original Petition has been filed to quash the case in S.C.No.3 of 2022 on the file of the learned on the file of the learned Principal District and Sessions Court (PCR), Karur, Special Court for Exclusive Trial of Cases under SC/ST (POD) Act cases 1989, Karur.



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2.The case of the prosecution is that due to the wordy quarrel between the petitioners and the husband of the second respondent in respect of rammed of the vehicle. Hence, the complaint was registered. After completion of investigation, charge-sheet has been laid and it has been taken cognizance in S.C.No.3 of 2022 on the file of the learned Principal District and Sessions Court (PCR), Karur, Special Court for Exclusive Trial of Cases under SC/ST (POD) Act cases 1989, Karur 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.

4. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.S.Mathiyalagan, Special Sub Inspector, Thogamalai Police Station,



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Karur 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 294(b), 323, 506(i), 147, 355, 354, 341, 342 I.P.C r/w 3(1) (d), 3(1) (r), 3(1) (s), 3(1) (w) (i), 3(2) (va) SC/ST (PoA) Act and Section 4 of Prohibition of Harassment of Women Act.

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 S.C.No.3 of 2022 pending before the learned



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Principal District and Sessions Court (PCR), Karur, Special Court for Exclusive Trial of Cases under SC/ST (POD) Act cases 1989, Karur , 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.3 of 2022 on the file of the learned Principal District and Sessions Court (PCR), Karur, Special Court for Exclusive Trial of Cases under SC/ST (POD) Act cases 1989, Karur 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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WEB COPY To

- 1.The Principal District and Sessions Court (PCR),
Karur,
Special Court for Exclusive Trial of Cases
under SC/ST (POD) Act cases 1989,
Karur.
- 2.The Deputy Superintendent of Police,
Kulithalai,
Karur District.
- 3.The Inspector of Police,
Thogamalai Police Station,
Karur 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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