



Crl.O.P.(MD) No.13040 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.07.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13040 of 2022

- 1.P.Selvam
- 2.Thinagaran
- 3.Indian
- 4.Maniraj
- 5.Thirunavukarasu
- 6.Ragupathy @ Ragu
- 7.Vijay

... Petitioners

Vs

- 1.The Deputy Superintendent of Police,
Melur Circle,
Madurai District.

- 2.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

- 3.J.Nagarajan
- 4.Jeganathan
- 5.Sabarinathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records in relating to the Special S.C.No.25 of 2022 on the file of the III Additional District and Sessions Judge (PCR Court), Madurai, in Crime No.231 of 2021 on the file of the first respondent and quash the same.



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For Petitioners : Mr.R.Aravind Raj

For Respondents : Mr.A.Albert James,
1 and 2 Government Advocate (Crl.Side)

For 3rd Respondent: Mr.S.Vijayakumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Special S.C.No.25 of 2022 on the file of the III Additional District and Sessions Judge (PCR Court), Madurai, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 341, 427 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST POA Amendment Act and 149 of IPC, in Crime No.231 of 2021.

2.The case of the prosecution is that on 20.08.2021 at about 08.30 p.m, the fifth respondent called his brother and told that his father was attacked by the petitioners. When the same was questioned by him, the petitioners said to have assaulted the fifth respondent with hands and damaged the two wheeler bearing registration No.TN 59 AX 1266 and used filthy language about their community. Hence, the present complaint.



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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.C.Mani Maran, SSI of Police, Kottampatti Police Station 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, 148, 294(b), 323, 324, 341, 427 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST POA Amendment Act and 149 of IPC.



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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 Special S.C.No.25 of 2022 pending before the learned III Additional District and Sessions Judge (PCR Court), Madurai, 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 Special S.C.No.25 of 2022, on the file of the learned III Additional District and Sessions Judge (PCR Court), Madurai, is quashed insofar as the petitioners alone and the terms of joint compromise memo shall form part and parcel of this order.



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9.At the time of compromise, The learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 submitted that in this case the respondents 4 and 5 have received a sum of Rs.1 lakh as compensation from the Government of Tamil Nadu.

10.Recording submission made by the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2, since the matter settled out of the Court and criminal proceedings pending against them is quashed, the respondents 4 and 5 are directed to repay the compensation amount of Rs.1 lakh received by them, to the Government of Tamil Nadu, within a period of two weeks from the date of receipt of a copy of this order.

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Internet: Yes./No

Index: Yes/no

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To

- 1.The learned III Additional District
and Sessions Judge (PCR Court),
Madurai.
- 2.The Deputy Superintendent of Police,
Melur Circle,
Madurai District.
- 3.The Inspector of Police,
Kottampatti Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsg

ORDER IN
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