



Crl.O.P.(MD) No.14396 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14396 of 2022

1. Vasuki
2. Chellamuthu @ Selvam
3. Gunasekaran
4. Udayakumar
5. Chakkaravarthi
6. Jegadeesh @ Jegadeeshwaran
7. Silambarasan
8. Ramki
9. Jayapal
10. Ajith @ Ajithkumar
11. Saravanan
12. Prabu

... Petitioners/ Accused Nos. 1, 4 ,6 to 15

Vs

1. The State Represented by
The Inspector of Police,
Keelavalau Police Station (Crime)
Melur, Madurai.
(Crime No.75 of 2017)

.... 1st Respondent /Complainant

2. Prem

... 2nd Respondent/Defacto Complainant



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to the impugned charge sheet in Spl.S.C.No.20 of 2022 in Crime No.75 of 2017, on the file of the III Additional District Court, (PCR) Madurai, and quash the same

For Petitioners : Mr. J.Velayutham

For R1 : Mr.A.Albert James
Government Advocate (Crl.side)

For R2 : Mr.S.Saravanakumar

ORDER

This Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.20 of 2022, on the file of the III Additional District Court, (PCR) Madurai, in Crime No.75 of 2017, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, dated 07.02.2017, on the file of the first respondent Police.

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.



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3. The learned counsel for the petitioners submitted that it is a case and case in counter. The defacto complainant and the accused persons settled the matter out of the Court and they have filed a Joint Memo of Compromise 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 the learned Government Advocate and Mr.A.Thamimoon Ansari, HC-1688, Keelavalau Police Station, Madurai. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4. 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 offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of I.P.C., and Section 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act.



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5. 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.

6. 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 Spl.S.C.No.20 of 2022 pending before the III Additional District Court, (PCR) Madurai, even though, the offences involved are not compoundable in nature.

7. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Spl.S.C.No.20 of 2022, on the file of the III Additional District Court (PCR), Madurai, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

25.08.2022
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Internet:Yes./No
Index:Yes/no
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To

1. The III Additional District Court, (PCR),
Madurai.
2. The Inspector of Police,
Keelavalau Police Station (Crime)
Melur, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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