



Crl.O.P.(MD) No.14688 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14688 of 2022

and

Crl.M.P(MD)Nos.9530 and 9532 of 2022

N.Arunachalam

...Petitioner/Sole Accused

Vs.

1.State Rep. by

The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.

2.State Rep. by

The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.

... 1st & 2nd Respondents/Complainants

3.Ravina

... 3rd Respondent /Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in Spl.S.C.No.7 of 2021 on the file of the Special Court for Exclusive Trial of Cases under SC/ST Act at Sivagangai and quash the same.



WEB COPY



Crl.O.P.(MD) No.14688 of 2022

For petitioner : Mr.A.Swaminathan
For R1 – R2 : Mr.A.Albert James
Government Advocate (Crl.side)
For R3 : Mr.B.Sathiskumar

ORDER

The Criminal Original Petition has been filed to quash the Charge Sheet in Spl.S.C.No.7 of 2021 pending on the file of the Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai, for the offences punishable under Sections 354(A)(1)(iii), 354(1)(iv), 354(D), 506(i), 509 of IPC and Section 4 of TNPHW Act 2002 and Section 67 of the Information Technology Act 2000 r/w Section 3(1)(W)(ii) of SC/ST Act 1989, in Crime No.3 of 2017.

2.The case of the prosecution is that the petitioner invited the student to view the movie in the film festival on 25.11.2016 during their visit to Goa. Thereafter, the petitioner sent message to the defacto complainant through Whatsapp and further he has spoken double meaning words during their visit to Kanniyakumari and Thanjavur. Further the petitioner regularly invited the student to his house for taking



Crl.O.P.(MD) No.14688 of 2022

short films and during that time, he compelled the student to cook and clean. Hence, the *de facto* complainant gave a complaint before the respondent police. Based on that complaint, a case has been registered in Crime No.3 of 2017 for the offences under Sections 354(A)(1)(iii), 354(1)(iv), 354(D), 506(i), 509 of IPC and Section 4 of TNPHW Act 2002 and Section 67 of the Information Technology Act 2000 r/w Section 3(1)(W)(ii) of SC/ST Act 1989 and now committed to the Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai in Spl.S.C.No.7 of 2021.

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 petitioner and the third respondent and also by their respective counsel. The petitioner and the third respondent are also present in person before this Court and they are identified by



Cri.O.P.(MD) No.14688 of 2022

WEB COPY

Mr.R.Chellamuthu, Grade I – 2169, AWPS Police Station, Karaikudi, Sivagangai District, as well as by the learned Counsel 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. The *de facto* complainant, who received a sum of Rs.1,00,000/- (Rupees One lakh only) from the Government has repaid that the amount to the Government and the receipt also filed.

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 the power to quash the complaint for the offence under Sections 354(A)(1)(iii), 354(1)(iv), 354(D), 506(i), 509 of IPC and Section 4 of TNPHW Act 2002 and Section 67 of the Information Technology Act 2000 r/w Section 3(1)(W)(ii) of SC/ST 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



Crl.O.P.(MD) No.14688 of 2022

(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 Spl.S.C.No.7 of 2021 pending before the the Special Court for Exclusive Trial of Cases under SC/ST Act, 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 Spl.S.C.No.7 of 2021, on the file of the Special Court for Exclusive Trial of Cases under SC/ST Act, Sivagangai is quashed and the terms of joint compromise memo shall form part and parcel of this order. Consequently connected miscellaneous petitions are closed.

18.08.2022

Internet:Yes
Index:Yes/No
vsd



Crl.O.P.(MD) No.14688 of 2022

WEB COPY

To

- 1.The Special Court for Exclusive Trial of Cases
under SC/ST Act,
Sivagangai.
- 2.The Deputy Superintendent of Police,
Karaikudi,
Sivagangai District.
- 3.The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD) No.14688 of 2022

V.SIVAGNANAM, J.

vsd

CrI.O.P.(MD) No.14688 of 2022
and
CrI.M.P(MD)Nos.9530 and 9532 of 2022

18.08.2022