



Crl.O.P.(MD) No.18091 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.18091 of 2022

1.Manimurugan
2.Ajith

...Petitioners/Accused 1 & 2

vs.

1.The State represented by
The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.

2.The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Spl.S.C.No.29 of 2019)

3.Kodanki

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records and quash the charge sheet filed against the petitioners in Spl.S.C.No.29/2019 on the file of the III Additional District Court (PCR), Madurai against the petitioners in respect of Crime No.461 of 2018 on the file of the first respondent police.

For Petitioner
For R1 & R2

: Mr.M.Subbiah
: Mr.R.Sivakumar
Government Advocate (Crl.side)
: Mr.J.Gavin Silvester

For R3



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ORDER

This Criminal Original Petition had been filed to quash the charge sheet in Spl.S.C.No.29 of 2019 on the file of the III Additional District Court (PCR), Madurai.

2.The learned Counsel for the Petitioners seeks to quash the charge sheet in Spl.S.C.No.29 of 2019 on the file of the learned III Additional District Court (PCR), Madurai on the ground that after laying the final report, the Petitioners herein, who are arrayed as accused and the De-facto Complainant had arrived at a compromise. A Joint Compromise Memo is also filed along with this Petition.

3.The learned Government Advocate (Crl.side) would submit that since the defacto complainant had received a sum of Rs.75,000/- as compensation from the Government under the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, when the matter was taken up for hearing on the earlier occasion, the petitioners/ accused were directed to obtain an affidavit from the defacto complainant regarding repayment.



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4.By way of rejoinder, the learned Counsel for the Petitioners submitted by producing the affidavit of the defacto complainant that the defacto complainant is ready to repay the compensation. He further submitted that only by the order of this Court, the treasury will accept the repayment of the amount.

5.The learned Government Advocate (Crl.Side) has no objection to quash the charge sheet by recording compromise.

6.In the light of the Joint Compromise Memo, this Petition is allowed and the proceedings in Spl.S.C.No.29 of 2019 on the file of the learned III Additional District Court (PCR), Madurai is quashed. The Joint Compromise Memo shall form part of this order.

7.The compensation amount received by the defacto complainant has to be paid before the III Additional District Court, (PCR), Madurai within a period of fifteen days from the date of receipt of a copy of this order and the same has to be shared equally among the petitioners / accused.



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8.The learned III Additional District Judge (PCR), Madurai shall send a compliance report regarding deposit of compensation amount by the Petitioners /Accused 1 and 2 to this Court as per this order by way of return of e-mail to this Court.

9. List this matter on **16.11.2022** for 'reporting compliance'.

31.10.2022

Index:Yes/No
Internet:Yes/No

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To

- 1.The III Additional District Court (PCR),
Madurai
- 2.The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Spl.S.C.No.29 of 2019)
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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