



Crl.O.P.No.6107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.6107 of 2023

- 1 Tamilarasan @ Kalainger
- 2 Elangovan
- 3 Elavarasan
- 4 Parani
- 5 Ajithkumar
- 6 Palani
- 7 Veerasamy
- 8 Veeramani
- 9 Saravanan ... Petitioners

VS.

- 1 State represented by
The Sub-Inspector of Police
Udayarpalayam Police Station
Ariyalur District.
- 2 The Deputy Superintendent of Police
Ariyalur
Ariyalur District.
(Crime No.105 of 2022)
- 3 Basker ... Respondents



Crl.O.P.No.6107 of 2023

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the final report in Special S.C.No.78 of 2022 pending trial on the file of the learned Principal District and Sessions Court, Ariyalur and quash the same as far as the petitioners are concerned based on the compromise arrived at between the petitioners and the defacto complainant.

For Petitioners : Mr. K.Selvakumaraswami
For Respondents-1 & 2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
For Respondent-3 : Mr.A.Balamurugan

ORDER

This Criminal Original Petition is filed to call for the records pertaining to the final report in Special S.C.No.78 of 2022 pending trial on the file of the learned Principal District and Sessions Court, Ariyalur and quash the same as far as the petitioners are concerned based on the compromise arrived at between the petitioners and the defacto complainant.

2. First Information Report in Crime No.105 of 2022 for the offences under Sections 147, 294(b), 323 IPC and 3(1)(r), 3(1)(s) and



Crl.O.P.No.6107 of 2023

3(1)(za)(A) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 was registered on the basis of the complaint given by third respondent/defacto complainant making allegations that at about 8:30 p.m. on 25.03.2022, accused in this case had scolded him calling by his caste name and beaten him. After investigation, final report was filed and case was taken on file in Special S.C.No.78 of 2022 pending trial on the file of the learned Principal District and Sessions Court, Ariyalur.

3. When the matter is taken up for hearing, petitioners and third respondent/defacto complainant are present in person before this Court and filed a joint memorandum of a compromise stating that due to advise and intervention of elders and friends and to have a cordial relationship between them, the parties solved the dispute. Petitioners and third respondent/defacto complainant were identified by Ms.Sumathi, Special Sub-Inspector of Police, Udayarpalayam Police Station. When enquired, third respondent/defacto complainant reiterated that the issue between petitioners and third respondent/defacto complainant has been resolved and that third respondent/defacto complainant does not want to proceed further with the



Crl.O.P.No.6107 of 2023

case against the petitioners and has no objection for quashing the FIR in Crime No. 105 of 2022.

4. Considering the facts that the parties have amicably settled the issue between them, third respondent/defacto complainant does not want to prosecute the case against petitioners and that he has no objection for quashment of proceedings, no useful purpose will be served in keeping the Special S.C.No.78 of 2022 on the file of the learned Principal District and Sessions Court, Ariyalur, pending.

5. In the light of the guidelines given by the Hon'ble Supreme Court reported in **(2017) 9 SCC 641-(Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C., quashes Special S.C.No.78 of 2022 on the file of the learned Principal District and Sessions Court, Ariyalur, as far as the petitioners are concerned.

6. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Special S.C.No.78 of 2022 on the file of the learned Principal District and Sessions Court, Ariyalur, as far as the



Crl.O.P.No.6107 of 2023

petitioners are concerned, is quashed and the terms of joint compromise memo of the parties and the consent affidavit filed by the third respondent/defacto complainant shall form part and parcel of this order.

17.03.2023

mra

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

- 1 The Principal District and Sessions Judge,
Ariyalur.
- 2 The Deputy Superintendent of Police
Ariyalur, Ariyalur District.
- 3 The Sub-Inspector of Police
Udayarpalayam Police Station
Ariyalur District.
- 4 The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.6107 of 2023

G.CHANDRASEKHARAN, J.

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Crl.O.P. No.6107 of 2023

17.03.2023