



Crl.A.No.151 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE **MR. JUSTICE N.ANAND VENKATESH**

Crl.A.No.151 of 2017

SM.Chinnathambi

.. Appellant/Accused

.VS.

State through
The Deputy Superintendent of Police
Ulundurpet Sub Division
Thirunavalur Police Station.

Crime No.551/2015

.. Respondent/Complainant

Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, 1973, to set aside the conviction and sentence imposed on the appellant by the learned Sessions Judge, Special Court for exclusive trial of cases registered under the scheduled castes and the scheduled tribes (Prevention of Atrocities), Act, 1989, Villupuram in Special S.C.No.87 of 2016, dated 07.03.2017.

For Appellant Mr.V.S.Sivasundaram

For Respondent Mr.L.Baskaran
Government Advocate (Crl Side)



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JUDGMENT

This criminal appeal has been filed against the judgment and order passed by the Sessions Judge, Special Court for exclusive trial of cases registered under the scheduled castes and the scheduled tribes (Prevention of Atrocities), Act 1989, (in short 'SC/ST Act') Villupuram in Special S.C.No.87 of 2016, dated 07.03.2017, convicting and sentencing the appellant in the following manner:

<i>Offence</i>	<i>Sentence</i>
Section 3(1)(r) and (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989.	One year simple imprisonment and to pay a fine of Rs.3,000/- and in default to undergo three months simple imprisonment.
Section 323 IPC	One year simple imprisonment and to pay a fine of Rs.1000/-, and in default to undergo three months simple imprisonment.
Section 355 IPC	One year simple imprisonment and to pay a fine of Rs.2000/-, and in default to undergo three months simple imprisonment.
Section 506(i) IPC	One year simple imprisonment and to pay a fine of Rs.2,000/-, and in default to undergo three months simple imprisonment.
The aforesaid sentences were ordered to run concurrently and the period of custody already undergone by the appellant was ordered to be set-off u/s.428 Cr.PC.	



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2.Heard Mr.V.S.Sivasundaram, learned counsel for the appellant and Mr.L.Baskaran, learned Government Advocate (Crl Side) for the respondent.

3.During the pendency of this criminal appeal, the parties have entered into a compromise since all of them belong to the same village. The compromise agreement entered into between the appellant and the complainant (PW.1) was also placed before this Court and it has been signed by the respective parties in the presence of witnesses.

4.This Court directed the learned Government Advocate (Crl.side) to take instructions from the respondent police with regard to the compromise entered into between the parties. Mr.K.Karthik, Sub Inspector of Police, Thirunavalur PS, Kallakurichi (DT), Mobile No.(8072205984), was present before the Court. The learned Government Advocate (Crl.side), on instructions from the concerned police officer, confirmed the fact that the appellant and PW.1 entered into a compromise agreement. The learned Government Advocate (Crl.side) also produced the letter given by the complainant (PW.1) to the Inspector of Police, Thirunavalur Police Station, to the effect that he has already compromised the dispute with the appellant.

5.In view of the above, the compromise agreement dated 27.10.2018 is taken on file and it is acted upon.



6.The Hon'ble Apex Court in **Ramawatar .v. State of Madhya Pradesh** reported in **2021 SC online SC 966** has dealt with cases where parties compromise their dispute in cases involving offence under the S/SC Act. It was held as follows:

"18. We may hasten to add that in cases such as the present, the Courts ought to be even more vigilant to ensure that the complainant - victim has entered into the compromise on the volition of his/her free will and not on account of any duress. It cannot be understated that since members of the Scheduled Caste and Scheduled Tribe belong to the weaker sections of our country, they are more prone to acts of coercion, and therefore ought to be accorded a higher level of protection. If the Courts find even a hint of compulsion or force, no relief can be given to the accused party. What factors the Courts should consider, would depend on the facts and circumstances of each case.

19. Having considered the peculiar facts and circumstances of the present case in light of the afore-stated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article 142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us. We say so for the reasons that:

Firstly, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste-based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pr-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the afore-stated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly



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private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

Secondly, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

Fifthly, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.

Sixthly, the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We



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have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement.

7.It is clear from the above that in appropriate cases, the compromise between the parties can be acted upon even when the offence involved is under the SC/ST Act.

8.In the instant case, the incident is said to have taken place in the year 2015. The parties belonged to the same Village. In order to maintain a cordial relationship, the parties have decided to compromise the dispute among themselves. The same will help in maintaining the peace and harmony and to do complete justice between the parties. Prolonging this dispute will only revive the healed wounds. Hence, this Court is inclined to act upon the compromise between the parties and set aside the conviction and sentence imposed by the Court below.

9.In the light of the above discussion, the judgment and order of conviction and sentence passed by the Sessions Judge, Special Court for SC/ST Act, Villupuram in Special S.C.No.87 of 2016, dated 07.03.2017, is hereby set aside on the basis of the compromise between the parties. The appellant was enlarged on bail during the pendency of this criminal appeal. The bail bond executed by the appellant shall stand cancelled.



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10.This Criminal Appeal is disposed of accordingly.

05.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No

To

1.The Deputy Superintendent of Police
Ulundurpet Sub Division
Thirunavalur Police Station.

2.Sessions Judge,
Special Court for exclusive trial of cases
under the Scheduled Castes and the Scheduled Tribes
Villupuram.

3.The Public Prosecutor
High Court, Madras.



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N.ANAND VENKATESH,J.

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