



Crl.O.P.(MD)No.10114 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **30.01.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.10114 of 2020

1.Muthukumar

2.Suresh Kannan

... Petitioners/
Accused 1 & 2

Vs.

1.State represented by
The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.789 of 2012)

... Respondents/
Complainants

3.Jeganathan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Spl.S.C.No.62 of 2018 on the file of learned Special Court PC Act Cases (Principal District and Sessions Judge), Sivagangai and quash the same.



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For Petitioners : Mr.AK.Azagarsami
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R3 : Mr.M.Govindarajan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records pertaining to the proceedings in Spl.S.C.No.62 of 2018 on the file of the Special Court PC Act Cases (Principal District and Sessions Judge), Sivagangai and quash the same.

2. The case of the prosecution is that the third respondent/defacto complainant was working as a Principal in Sivaganga Mannar Duraisingam Arts College and that on 13.07.2012 at about 02.00 p.m., while the third respondent was in his room, one unknown person used abusive language and criminally intimidated him and caused injuries and later, the third respondent came to know that due to previous enmity, the second petitioner abetted the first petitioner to commit the alleged offence.



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3. The learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.789 of 2012 for the offences under Sections 294(b), 452, 332 and 307 IPC and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.62 of 2018 on the file of the Special Court PC Act Cases, Sivagangai for the offences under Sections 452, 307, 109 and 34 IPC r/w Sections 3(l)(r) and 3(l)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

5. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the third respondent has already repaid a sum of Rs.15,000/-, which was received by him earlier from the concerned Government authorities.

6. A Joint Memo of Compromise has been filed before this Court



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which have been signed by the petitioners and the third respondent and also by their respective counsels. The petitioners and the third respondent are present before this Court and they were identified by Mr.Chellapandi, Special Sub Inspector, Sivagangai Town Police Station, as well as by the learned counsels 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.

7. 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 offence under Sections 452, 307, 109 and 34 IPC r/w Sections 3(l)(r) and 3(l)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015.

8. 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.



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9. 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.62 of 2018 pending before the Principal District and Sessions Judge, Special Court PC Act Cases, Sivagangai, even though, the offences involved are not compoundable in nature.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.62 of 2018, on the file of the Principal District and Sessions Judge, Special Court PC Act Cases, Sivagangai, is quashed and the joint compromise memo shall form part and parcel of this order.

30.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

csn

To

- 1.The Principal District and Sessions Judge,
Special Court PC Act Cases, Sivagangai.
- 2.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
- 3.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.10114 of 2020

Dated: 30.01.2023