



Crl.O.P.(MD)No.13431 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:20.01.2023

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THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.13431 of 2022

Balasubramanian,

: Petitioner

Vs

1. The Deputy Superintendent Of Police,
Thiruppathur, Sivagangai District

2. The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.
Cr.No.20/2022.

3. Sarathkumar,
4. Sugumar,

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in Spl.S.C.No.20/2019 on the file of the Special Court for the exclusive trial of SC/ST Act (PCR) cases, Sivagangai and quash the same.



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For Petitioner : Mr.B.Muneeswaran
For R1 & R2 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R3 : Mr.D.Muthukaruppan

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the charge sheet in Spl.S.C.No.20/2019 on the file of the Special Court for the exclusive trial of SC/ST Act (PCR) cases, Sivagangai and quash the same as illegal.

2. The case of the prosecution is that due to previous enmity, the petitioner and other accused persons abused the defacto complainant with filthy language and also using his community name and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit



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that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.27 of 2012 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.20/2019 on the file of the Special Court for the exclusive trial of SC/ST Act (PCR) cases, Sivagangai against the petitioner and others for the offences under Sections 147, 148, 341, 506(ii) IPC r/w 3(1)(x) of the Scheduled Caste and Scheduled Tribes Act, 1989.

4.The learned Counsel appearing for the defacto complainant would submit that the defacto complainant has remitted the amount, which was received from the Adi Dravidar Welfare Department.

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

6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the respondents 3 and 4 and also by their respective counsels. The petitioner and the respondents



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3 and 4 are present before this Court and they were identified by Mr.K.Marthandam, HC577, Poolankurichi Police Station, Sivagangai District, 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 147, 148, 341, 506(ii) IPC r/w 3(1)(x) of the Scheduled Caste and Scheduled Tribes Act, 1989.

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.

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.20/2019 pending before the



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Special Court for the exclusive trial of SC/ST Act (PCR) 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.20/2019, on the file of the Special Court for the exclusive trial of SC/ST Act (PCR) cases, Sivagangai, is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order.

20.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
1. The Deputy Superintendent Of Police,
Thiruppathur, Sivagangai District

2. The Inspector of Police,
Nerkuppai Police Station,
Sivagangai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

lr

Order made in
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