



Crl.O.P.(MD)No.19277 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.19277 of 2021

1.Marimuthupandian

2.Karthikraja

3.Mariselvam

4.Nagaraj

5.Sankarguru

... Petitioners

(2nd petitioner is a minor represented by his father
Mariappan as guardian/next friend)

Vs.

1.The Deputy Superintendent of Police,
Ettayapuram Sub-Division,
Ettayapuram, Thoothukudi District.

2.The State rep.by the Inspector of Police,
Kooppampatti Police Station,
Thoothukudi District.
Crime No.229 of 2021.

3.Murugesan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of
Criminal Procedure Code, to call for the records in connection with the



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impugned FIR in Crime No.229 of 2021, on the file of the second respondent Police and quash the same.

For Petitioners : Mr.A.S.Vaigunth
For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)
For R3 : Mr.S.P.Veerapandi

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders, to call for the records in connection with the impugned FIR in Crime No.229 of 2021, on the file of the first respondent Police and quash the same.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant in filthy language. Hence, the complaint.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that the third



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respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No.229 of 2022, dated 12.09.2021 for the offences under Sections 147, 148, 294(b), 323, 506(ii) IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Prevention of Atrocities, Act, 1989, against the petitioners.

4. The case is still under the investigation. 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 State would submit that the third respondent has not received any amount under the Provisions of SC/ST (POA) Act.

6. A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioners and the third respondent and also by their respective counsel. The petitioners and the third respondent were also present in person before this Court and they were identified by Mr.S.Athilingam, S.I, Koppampatti Police Station as well as by the



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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. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 147, 148, 294(b), 323, 506(ii) IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST Prevention of Atrocities, 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 Crime No.229 of 2021 pending before the second respondent police, even though, the offences involved are not compoundable in nature.



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10. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings in Crime No.229 of 2021 on the file of the second respondent police, is quashed and the terms of joint compromise memo shall form part and parcel of this order.

27.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Deputy Superintendent of Police,
Ettayapuram Sub-Division,
Ettayapuram, Thoothukudi District.
- 2.The State rep.by the Inspector of Police,
Kooppampatti Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
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Dated: 27.02.2023