



CrI.A.No.1227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.A.No.1227 of 2024

Logeshwaran, S/o Venkatesan

.. Appellant/A2

Vs.

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

2. The Inspector of Police,
Dharmapuri Police Station,
Crime No.461 of 2024,
Dharmapuri District.

3. U.Ganesh, S/o Umapathi

.. Respondents/complainant

Criminal Appeal filed under Section 14.A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, praying to set aside the order dated 20.09.2024 made in CrI.M.P.No.2054 of 2024 on the file of the Principal District Judge, Dharmapuri and enlarge the appellant on bail in connection with the case in Crime No.461 of 2024 on the file of the second respondent-Police.

For appellant : Mr.N.Manoharan

For respondents: Mr.S.Sugendran, Addl.P.P. for RR-1 and 2

No appearance for R-3

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JUDGMENT

This Criminal Appeal was already allowed on 04.10.2024 itself.

2. It is pertinent here to mention that the Supreme Court, time and again, gave direction to all the Subordinate Courts and even the High Courts, not to indulge or interfere with parties to compromise in respect of the offence(s) against women, POCSO Act cases, SC and ST offences, which is against the society and regarding clash between two groups, and that the Courts should not try for any compromise between the parties and therefore, the investigating agency was directed to complete the investigation.

3. In the above context, it is relevant to note the decision of the Honourable Supreme Court, in the case of Ramji Lal Bairwa and another Vs. State of Rajasthan and others, reported in 2024 SCC OnLine SC 3193, wherein, in paragraph 25, the Apex Court held as under:

"25. Thus, in unambiguous terms this Court held that before exercising the power under Section 482 Cr.P.C., the High Court must have due regard to the nature and gravity of the crime besides observing and holding that heinous and serious offences could not be quashed even though a victim or victim's family and the offender had settled the dispute. This Court held that such offences are not private in nature and have a serious impact on the society. Having understood the position of law on



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the second question that it is the bounden duty of the court concerned to consider whether the compromise is just and fair besides being free from undue pressure we will proceed to consider the matter further. A bare perusal of the impugned order dated 04.02.2022 would reveal that the High Court has erred in not bestowing proper consideration the law laid down in *Gian Singh's case* (supra) {Gian Singh Vs. State of Punjab - 2012 (10) SCC 303 } while rendering the same. The impugned order would reveal that the allegations contained in the subject FIR was not at all adverted to, before quashing the same. We have referred to the allegations which are of serious nature revealed from the FIR. The complaint in this case is annexed to the FIR produced in this proceedings as Annexure P-1. In the said complaint which led to the registration of the FIR reads thus:-

"Hence my report may be lodged and action may be taken against the offender XXX as he is making pressure on me not to lodge report."

(underline supplied)

4. The precarious issue in the present appeal pertains to two youngsters at stake to have harmony between the two groups, and this Court, by order dated 23.10.2024, observed that it would be better that the investigating officers in both the cases not to further precipitate the matter with all the avenues of reconciliation being tried for peaceful resolution of the issue.

5. A perusal of the records shows that the offence(s) alleged in the



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present appeal is/are serious in nature. Therefore, the Court should not interfere with the investigating agency and even not also to resolve the issue like the one in hand, by recording compromise between the parties.

6. The investigating agency is directed not to precipitate the matter till the dispute is resolved between the parties herein.

7. The offence(s) in this case is/are the one that is/are against any Society, and no person can go for compromise, but however, the respondents 1 and 2/Police are hereby directed to proceed with the investigation further in accordance with law and complete the investigation within a period of two months from today (i.e. 14.02.2025) and thereafter file charge-sheet before appropriate Court.

14.02.2025

CS

To

1. The Deputy Superintendent of Police,
Dharmapuri Sub Division, Dharmapuri District.
2. The Inspector of Police,
Dharmapuri Police Station,
Dharmapuri District (Crime No.461 of 2024).
3. The Public Prosecutor, High Court, Madras.

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P.VELMURUGAN, J

CS

- 4.The Principal District Judge,
Dharmapuri,
- 5.The Superintendent, Central Prison,
Vellore.
- 6.The Judge,
Mahila Court, Dharmapuri.

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