



CrI.O.P.(MD)No.800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.800 of 2024

and

CrI.M.P.(MD)Nos.458 and 460 of 2024

Devid Muthuraj,

... Petitioner

Vs

1. The Assistant Commissioner,
Srirangam,
Trichy City.

State represented by

2. The Inspector of Police,
All Women Police Station,
Trichy City.
(Crime No.25 of 2020).

3. Kamatchi,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge Sheet in Spl.S.C.No.08 of 2021 on the file of the learned Additional Session-1, Trichy West and quash the same as against this Petitioner alone.



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For Petitioner : Mr.S.Ramsundar Vijayraj
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)
For R3 : Mr.T.Dinesh

ORDER

The petitioner is an accused in Spl.S.C.No.08 of 2021 on the file of the learned Additional Session Judge No-1, Trichy West, for the offence under Sections 294(b), 354(A), 354D, 355 of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) and 3(2)(va) of the Scheduled caste and the Scheduled tribes (Prevention of Atrocities) Amendment Act, 2015. He has filed this petition to quash the proceedings pending against him.

2.The case of the prosecution is that due to previous enmity, the accused abused the defacto complainant and her husband using filthy language by showing his slipper and also threatened them with dire consequences.

3.The petitioner and the defacto complainant are present before this Court and submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 23.01.2024 signed by both the parties, is also filed before this Court.



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4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.25 of 2020 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.800 of 2024, I personally verified the defacto complainant in Cr.No.25 of 2020, for the offence under Sections 294(b), 354(A), 354D, 355 of IPC and Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) and 3(2)(va) of the Scheduled caste and the Scheduled tribes (Prevention of Atrocities) Amendment Act, 2015. and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

5.The learned Government Advocate (CrI.Side) on instructions submits that the defacto complainant herein has received a sum of Rs.25,000/- as compensation under the Scheduled Caste and Scheduled tribes (Prevention of



Atrocities) Amendment Act, 2015.

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6. The Honourable Supreme Court, while dealing with the compromise quash of a case registered under Scheduled caste and the Scheduled tribes (Prevention of Atrocities) Amendment Act, 2015, reported in **LL 2021 SC 589**, in **Ramawatar Vs State of Madhya Pradesh**, has held as follows:-

'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 pre-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 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.



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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 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. Keeping in mind the above ratio laid down by the Hon'ble Supreme Court, this Court proceeded with the matter. The parties are present. This Court has verified the parties with their Aadhaar cards and also verified about the present status. The defacto complainant has expressed her willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose, in as much as the conflict is between the private individuals. Though certain offence are non-compoundable in order to avoid further conflict between the parties, this Court is inclined to quash the proceedings.

8. In view of the same, by recording the compromise memo, dated

23.01.2024, this criminal original petition is allowed and the case in

<https://www.mhc.tn.gov.in/judis>



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Spl.S.C.No.08/2021 pending on the file of the learned Additional Session Judge No-1, Trichy West is hereby quashed. The Joint compromise memo, dated 23.01.2024 shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

9.The defacto complainant is directed to return the compensation amount of Rs.25,000/- to the Government. Considering the energy and time spent by the respondent police during the course of investigation, the petitioner is directed to pay a sum of Rs.10,000/- to the respondent police station.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
LR



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B.PUGALENDHI,J

LR

To

1.The Additional Sessions Judge No.I,
Trichy West.

2. The Assistant Commissioner,
Srirangam,
Trichy City.

3. The Inspector of Police,
All Women Police Station,
Trichy City.

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

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