



Crl.O.P.(MD)No.3359 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3359 of 2024

1.Natarajan

2.Viji @ Vijayakumar

3.Thiyagu @ Thiyagarajan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.

2.State rep. by
The Inspector of Police,
Vellanur Police Station,
Pudukkottai District.
(Crime No.193 of 2023)

3.Selvaraj

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records on the FIR in Crime No.193 of 2023 dated 10.10.2023 on the file of the second respondent police and to quash the same as against the petitioners.

For Petitioners

: Mr.D.Rameshkumar

For R1 & R2

: Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For R3

: Mr.P.Balasubramanian



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ORDER

The petitioners are accused in Crime No.193 of 2023 on the file of the second respondent Police Station, which was registered for the offence under Sections 294(b), 323, 355 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA)Amendment Act, 2015. They have filed this petition to quash the proceedings pending against them.

2.The petitioners/accused and the defacto complainant are belonging to the same village. The case of the prosecution is that the petitioners herein abused the third respondent by making casteist remarks. Hence, the complaint.

3.The petitioners and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 27.02.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.193 of 2023 to personally verify with the defacto complainant and to ascertain whether the compromise is a voluntary one, without any threat or coercion. The



investigating officer, after due verification, has filed a report as under:

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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.3359 of 2024, I personally verified the defacto complainant in Cr.No.193 of 2023, for the offence under Sections 294(b), 323, 355 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA)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 Hon'ble Supreme Court while dealing with the compromise quash of a case registered under SC/ST (POA) Act, in ***Ramawatar Vs State of Madhya Pradesh***, reported in ***LL 2021 SC 589***, 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.

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.'

6.Keeping in mind the above ratio laid down by the Hon'ble Supreme

Court, this Court proceeds with the matter. The parties are present. This



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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 between the private individuals.

7.In view of the above development and following the ratio laid down by the Honourable Supreme Court, this Court is inclined to quash the proceedings, though certain offence are non-compoundable, in order to avoid further conflict between the parties.

8.Accordingly, by recording the compromise memo dated 27.02.2024 this criminal original petition is allowed and the case in crime No.193 of 2023 pending on the file of the second respondent is hereby quashed. The joint compromise memo dated 27.02.2024 shall form part and parcel of this order.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To
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- 1.The Deputy Superintendent of Police,
Pudukkottai, Pudukkottai District.
- 2.The Inspector of Police,
Vellanur Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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