



Crl.O.P.(MD)No.3598 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3598 of 2024

1.Samiyathal
2.Sachidhanantham

... Petitioners

Vs.

1.State Represented by
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Oddanchathiram Sub Division,
Dindigul District.

2.State rep. by
The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
(Crime No.1161 of 2021)

3.Thangaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the case in Spl.S.C.No.10 of 2022 on the file of the learned Sessions Judge (Special Court for Trial Cases registered under SC/ST POA Act), Dindigul and quash the same as illegal.



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For Petitioners : Mr.S.Kishore Kumar
For R1 & R2 : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)
For R3 : Mr.M.Sridharan

ORDER

The Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to quash the charge sheet in Spl.S.C.No.10 of 2022 pending on the file of the Sessions Judge (Special Court for Trial Cases registered under SC/ST POA Act), Dindigul.

2. The case of the prosecution is that on 30.10.2021 at about 07.30 a.m., the petitioners had damaged the inscription in the temple and when the same was questioned by the third respondent, the petitioners had abused him by using his caste name.

3. The learned counsel appearing for the petitioners would submit that the third respondent has lodged a complaint before the second respondent and on that basis, FIR came to be registered in Crime No. 1161 of 2021 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.10 of 2022 for the offences



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under Sections 427, 448 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (POA) Amendment Act, 2015 against the petitioners and is pending on the file of the Special Court for Trial Cases registered under SC/ST POA Act, Dindigul.

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

5. The learned counsel appearing for the third respondent would submit that the third respondent has received Rs.50,000/- at the time of registration of FIR under SC/ST Act from the Government and in view of the compromise between the parties, he has remitted the compensation amount and he has also produced the copy of the e-challan.

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 counsels. The petitioners and the third respondent are present before this Court and and they were identified by



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Mr.C.Sundarrajan, Special Sub Inspector, Oddanchathiram Police Station, 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 427, 448 and 506(1) IPC and Sections 3(l)(r), 3(l)(s) and 3(2)(va) of the Schedule Caste and the Schedule Tribes (POA) Amendment Act, 2015.

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



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the proceedings in Spl.S.C.No.10 of 2022 pending before the Special Court for Trial Cases registered under SC/ST POA Act, Dindigul, 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.10 of 2022, on the file of the Special Court for Trial Cases registered under SC/ST POA Act, Dindigul, is quashed and the joint compromise memo shall form part and parcel of this order.

19.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Sessions Judge
(Special Court for Trial Cases registered under SC/ST POA Act),
Dindigul.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Oddanchathiram Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Oddanchathiram Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.3598 of 2024

Dated: 19.09.2024