



Crl.O.P.(MD)No.20554 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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1.Raja Mohamed
2.Jahir Hussain
3.Rahman @ Abdul Rahman
4.Satham Hussain
5.Sheik Mohamed
6.Shiek @ Shiek Kaja Mydeen
7.Kather Gani

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep through,
The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.

2.The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.262 of 2015)

3.Kumar @ Jeyaraja Durai

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for records pertaining to the case in Spl.S.C.No.16 of 2019, on the file of the learned III Additional District and Sessions Judge and



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Special Court for trial of SC and SC Act cases, Madurai, in Crime No. 262 of 2016, on the file of the first respondent and quash the same.

For Petitioners : Mr.A.Syed Abdul Kather

For R1 and R2 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)

For R3 : Mr.M.K.Najmudeen

ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash Spl.S.C.No.16 of 2019, on the file of the learned III Additional District and Sessions Judge and Special Court for trial of SC and SC Act cases, Madurai.

2. The case of the prosecution is that the third respondent (de-facto complainant) belongs to the SC community and works as a painter. His friend, Raja, was in a love affair with Syed Ali Fathima, daughter of Mydeen Pitchai, and they eventually got married. This led to the petitioners and one Kader Gani holding a grudge against them. On 27.06.2016, at around 07:45 p.m., when the de-facto complainant and his



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friends were standing near the bus stop, the petitioners arrived with deadly weapons. They began verbally abusing the de-facto complainant and his community, degrading the name of his community. They repeatedly assaulted the people who were standing on the street with wooden logs and iron rods. As a result, the de-facto complainant and his friend Ranjith sustained injuries on their bodies and heads. Hence, the de-facto complainant has lodged a complaint.

3. The learned counsel appearing for the petitioner would submit that the victim (de-facto complainant), Raja, married Syed Ali Fathima, which was questioned by the petitioners. This led to a scuffle, which has been portrayed as though the petitioners assaulted the de-facto complainant and his friends only because they belong to the Scheduled Caste community. The second respondent has lodged a complaint before the first respondent and on that basis, F.I.R. came to be registered in Crime No.262 of 2016 and after investigation and filing of the final report, the same was taken cognizance in Spl.S.C.No.16 of 2019, on the file of the learned III Additional District and Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Madurai, for the offences under Sections 147, 148, 294(b), 323, 324 and 506 (i) I.P.C. and Section



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3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, against the petitioners.

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

5. A Joint Memo of Compromise, dated 20.08.2024, and an affidavit of the third respondent, dated 05.11.2024, have been filed before this Court, which has been signed by the petitioners and the third respondent and also by their respective counsels. The petitioners and the third respondent were also present in person before this Court and they were identified by Ms.S.Booma, Special Sub-Inspector of Police, Silaiman Police Station, Madurai District, 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. Further, the second respondent / de-facto complainant submitted that he has not received any compensation and the same has been confirmed by the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2.



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6. 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 147, 148, 294(b), 323, 324 and 506 (i) I.P.C. and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

7. The legal position expressed by the Hon'ble Apex Court in the case of ***Gian Singh vs. State of Punjab and another*** reported in (2012) 10 SCC 303 and ***Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat*** reported in (2017) 9 SCC 641 were taken into consideration.

8. 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 Spl.S.C.No.16 of 2019 as against the petitioners pending before the learned III Additional District and Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Madurai, even though, the offences involved are not compoundable in nature.



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9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.16 of 2019, on the file of the learned III Additional District and Sessions Judge, Special Court for trial of SC/ST (PoA) Act Cases, Madurai, is quashed as against the petitioners and the joint compromise memo, dated 20.08.2024, and the affidavit of the third respondent, dated 05.11.2024, shall form part and parcel of this order.

05.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The III Additional District and Sessions Judge,
Special Court for SC / ST (PoA) Act Cases,
Madurai.
- 2.The Deputy Superintendent of Police,
Oomachikulam Sub Division,
Madurai District.
- 3.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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