



Crl.O.P.(MD)No.20790 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20790 of 2024

1.Raghul
2.Manikandan @ Mani @ Ramesh ... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep.by Deputy Superintendent of Police,
Puliyandugi Sub Division, Tenkasi District.

2.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(In Crime No.159 of 2018)

3.Chinnamariappan ... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the charge sheet in S.C.No.181 of 2019 on the file of the learned II Additional District and Sessions Court, (PCR) Tirunelveli for the offences under Sections 147, 148, 294 (b), 323, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and quash the same insofar as the petitioners are concerned.



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Crl.O.P.(MD)No.20790 of 2024

For Petitioners	: Mr.S.Vishnuvardhan
For R1 & R2	: Mr.K.Sanjai Gandhi Government Advocate (Criminal Side)
For R3	: Mr.G.Sailendrababu

ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the charge sheet in S.C.No.181 of 2019 on the file of the learned II Additional District and Sessions Court, (PCR) Tirunelveli for the offences under Sections 147, 148, 294 (b), 323, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

2. The case of the prosecution is that on 02.06.2018, during the temple festival, the petitioners along with other accused persons attached the defacto complainant and abused him using his caste name. Hence, the third respondent had lodged a complaint before the first respondent and the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the third respondent lodged a complaint before the first respondent



Crl.O.P.(MD)No.20790 of 2024

and F.I.R. registered in Crime No.159 of 2018, after investigation, final report was filed and the same taken cognizance in S.C.No.181 of 2019, on the file of the II Additional District and Sessions Court, (PCR), Tirunelveli, for the offences under Sections 147, 148, 294(b), 323, 324, 506(ii) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the petitioners. He further submitted that some of the accused have been released from the charges even at the FIR stage itself.

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, for the reason, sudden wordy quarrel lead to exchange of blows, it was not a premeditated attack. Now, both realized their mistakes, reconciled and third respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise filed before this Court signed by the petitioners and the third respondent and their respective counsels. The petitioners and the third respondent present before this Court, identified by Mr.A.Samuel Raj, Kadyanallur Police Station, Tenkasi



Crl.O.P.(MD)No.20790 of 2024

District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties, satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the fight and attack is not of serious in nature. Now the parties have compromised the matter, the High Court has power to quash the complaint even in non compoundable cases, considering the facts and circumstances of the case.

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 S.C.No.181 of 2019 as against the petitioners pending before the II Additional District and Sessions Court (PCR), Tirunelveli, even though, the offences involved are not compoundable in nature.



Crl.O.P.(MD)No.20790 of 2024

WEB COPY

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.181 of 2019, on the file of the II Additional District and Sessions Court (PCR), Tirunelveli, is quashed as against the petitioners and the joint compromise memo shall form part and parcel of this order.

NCC : Yes / No

28.11.2024

Index : Yes / No

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To

1.The II Additional District and Sessions Court (PCR),
Tirunelveli,

2.The Deputy Superintendent of Police,
Puliyandugi Sub Division,
Tenkasi District.

3.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.

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



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Crl.O.P.(MD)No.20790 of 2024

M.NIRMAL KUMAR, J.

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Crl.O.P.(MD)No.20790 of 2024

28.11.2024