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CRL A No. 1591 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1591 of 2025

AND

CRL MP NO. 19202 OF 2025

1. MANIKANDAN

S/o.Venkatraman, Malankadu,
Devannagoundanoor, Sankari Taluk,
Salem District.

Appellant(s)

Vs

1. State Rep. by The Deputy
Superintendent of Police
Sankari Sub Division, Salem District.

2.The Inspector of Police
Edapadi Police Station, Salem District.
(Crime No. 367/2019)

3.Malarkodi
W/o.Palanisamy, 5/59, A Puttamanai
Malankadu, Devannagoundanoor,
Sankari Taluk, Salem District.

Respondent(s)

PRAYER

To call for the records in Spl.S.C.No. 24/2020 (on the file of Sessions Judge, The Special Court for SC/ST (POA) Act, Cases Salem) by judgment dt. 29.09.2025 and set aside the conviction and sentence passed against the appellant/accused person and allow this Appeal.

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For Appellant(s): C.S. Saravanan
T.Sudhanraj-ms/1098/2003
Amala Ananthi
M.Vignesh-ms/1612/2018

For Respondent(s): Public Prosecutor For R1 And R2
Court Notice Served For R3
R-3 MALARKODI
W/o.Palanisamy, 5/59, A
Puttamanai Malankadu,
Devannagoundanoor, Sankari
Taluk, Salem District.
Private Notice Permitted - Proof
Not Filed

JUDGEMENT

This appeal has been filed to call for the records in Spl.S.C.No. 24/2020 (on the file of Sessions Judge, The Special Court for SC/ST (POA) Act, Cases Salem) by judgment dt. 29.09.2025 and set aside the conviction and sentence passed against the appellant/accused person and allow this Appeal.

2. The appellant herein was convicted by the Sessions Judge, The Special Court for SC/ST (POA) Act, Cases Salem by judgment dated 29.09.2025 in Spl.S.C.No. 24/2020 and sentenced him to undergo 5 years Simple Imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 2 months Simple Imprisonment for the offence under Section 3(1)(w)(1) of SC/ST (POA) Act and to undergo 5 years Simple Imprisonment and to pay a fine of Rs.5000/-, in default, to undergo 2 months Simple Imprisonment for the offence under Section 3(2)(v)(a) of SC/ST Act and to pay a fine of Rs.10,000/-. Aggrieved



over the same, the appellant filed this appeal.

3. When the matter taken up for hearing, the defacto complainant appeared before this Court stating that she did not want to proceed with this appeal against the appellant and prayed to acquit the appellant to that effect she filed affidavit.

4. The learned counsel for the appellant relied the judgement of the Hon'ble Apex Court reported in 2012 (10) SCC 303 in the case of *Gian Singh vs State Of Punjab & Anr* and he prayed to allow this appeal:

8. Markandey Katju, J. although concurred with the view of Altamas Kabir, J. that criminal proceedings in that case deserved to be quashed but observed that question may have to be decided in some subsequent decision or decisions (preferably by a larger Bench) as to which non-compoundable cases can be quashed under Section 482 of the Code or Article 226 of the Constitution on the basis that the parties have entered into compromise. In paragraphs 27 and 28 (pg. 10) of the report he held as under:

"27. There can be no doubt that a case under Section 302 IPC or other serious offences like those under Sections 395, 307 or 304- B cannot be compounded and hence proceedings in those provisions cannot be quashed by the High Court in exercise of its power under Section 482 CrPC or in writ jurisdiction on the basis of compromise. However, in some other cases (like those akin to a civil nature), the proceedings can be quashed by the High Court if the parties have come to an amicable settlement even though the provisions are not compoundable. Where a line is to be drawn will have to be decided in some later decisions of this Court, preferably by a larger Bench (so as to make it more authoritative). Some guidelines will have to be evolved in this connection and the matter cannot be left at the sole unguided discretion of Judges, otherwise there may be conflicting decisions and judicial anarchy. A judicial discretion has to be exercised on some objective guiding principles and criteria, and not on the whims and fancies of individual Judges. Discretion, after all, cannot be the Chancellor's foot.

5. Since, the defacto complainant is not inclined to proceed the case



further against the appellant and prayed to acquit the appellant to that effect she filed an affidavit. When the parties are ready to put an end to the litigation there is no purpose to keep the prosecution alive and affidavit filed by the defacto complainant is forming part of the judgement. In view of the above and also the ratio the laid down by Hon'ble Apex Court in the case of *Gian Singh vs State Of Punjab & Anr*, reported in 2012 (10) SCC 303, the entire proceedings against the appellant in Spl.S.C.No. 24/2020, on the file of the Sessions Judge, The Special Court for SC/ST (POA) Act, Cases Salem, is hereby quashed. Accordingly, the appellant is acquitted from all the charges. The bail bonds, if any furnished by accused at the time of commencement of trial stands canceled. Surety, if any stands discharged and fine amount paid by the appellant shall be returned to him.

6. In the result, this Criminal Appeal is disposed of. Pending petition, if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Sessions Judge, The Special Court for SC/ST (POA) Act, Cases Salem.
2. The Central Prison, Salem.
3. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.
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