



Crl.O.P.(MD)No.21236 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21236 of 2024

and

Crl.O.P.(MD)No.13200 & 13201 of 2024

1. Parthasarathi
2. Chennamuthu

... Petitioners

Vs.

1. The Deputy Superintendent of Police,
Chinnalapatti,
Dindigul District.
2. The State represented by
Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(In Crime No. 133/2024)

3. Thangasada

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in Spl. SC. No. 47 of 2024 on the file of the Sessions Judge, Special Court for SC/ST Act, (POA) Dindigul in Crime No. 133 of 2024 on the file of the Respondent Police and quash the same by allowing this Criminal Original Petition and thus render justice.



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For Petitioner : Mr.M.Gandhirajan
For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)
For R3 : Mr.M.Anbarasan

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in Spl. SC. No. 47 of 2024 on the file of the Sessions Judge, Special Court for SC/ST Act, (POA) Dindigul.

2. The case of the prosecution is that the defacto complainant and the first petitioner are colleagues. Due to clash of ego, there was a wordy quarrel between the first petitioner and the defacto complainant. At that time, the first and second petitioners are said to have attacked the defacto complainant with plastic tray and abused him with his caste name. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the third respondent lodged a complaint before the second respondent in Crime No.133 of 2024 and after investigation, final report was filed and the same was taken cognizance in Spl. SC. No. 47 of 2024



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on the file of the Sessions Judge, Special Court for SC/ST Act, (POA)

Dindigul for the offences under Sections 296(b), 115(2), 351 (2) BNS and 3 (1) (r), 3(1)(s), 3(2)(va) of SC/ST Act against the petitioners.

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. Now, both realized their mistakes, reconciled and second respondent agreeing to withdraw the complaint, not willing to pursue the case.

5. A Joint Memo of Compromise is filed before this Court signed by the petitioners and the third respondent and their respective counsels. The petitioners and the third respondent are present before this Court and identified by Mr.P.Sekar, SI of Police, Chinnalpatti Police Station, Dindigul District, as well as by the learned counsel 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 without any compulsion.

6. In the instant case, the petitioners and the defacto complainant were working in the same place and the defacto complainant received the



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compensation amount and 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 Spl. SC. No. 47 of 2024 on the file of the Sessions Judge, Special Court for SC/ST Act, (POA) Dindigul as against the petitioners even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.214 of 2022, on the file of the learned Spl. SC. No. 47 of 2024 on the file of the Sessions Judge, Special Court for SC/ST Act, (POA) Dindigul is quashed as against the petitioner and the



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joint compromise memo shall form part and parcel of this order.

Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No

10.01.2025

Index : Yes / No

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To

- 1.The Sessions Court,
Special Court for SC/ST Act, (POA) Dindigul
- 2.The Deputy Superintendent of Police,
Chinnalapatti,
Dindigul District.
3. The Inspector of Police,
Chinnapalathi Police Station,
Dindigul 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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