



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P(MD)No.22873 of 2024

and

CrI.M.P.(MD)No.14351 of 2024

Santhanakrishnan

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Thanjavur District.

2.State of Tamil Nadu,
Rep by The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(In Crime No.379 of 2023)

3.Kannan

... Respondents

Prayer: Criminal Original Petition - filed under Section 582 of BNSS, to call for the records relating to the impugned charge sheet in Spl.S.C.No. 20 of 2024 on the file of the 1st Additional District Judge (PCR) Court, Thanjavur and quash the same.

For Petitioner	: Mr.PR.Boomeerajan
For R1 & R2	: Mr.K.Sanjai Gandhi
	Government Advocate (CrI.Side)
For R3	: Mr.Rama Chandran



ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in Spl.S.C.No.20 of 2024 on the file of the 1st Additional District Judge (PCR) Court, Thanjavur.

2.The case of the prosecution is that the accused in this case is said to have attacked one Sundaram due to previous enmity in an open place. When the petitioner questioned the same, the accused is said to have abused the petitioner by his caste name and threatened with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent in Crime No.379 of 2023 and after investigation, final report was filed and the same was taken cognizance in Spl.S.C.No.20 of 2024 on the file of the 1st Additional District Judge (PCR) Court, Thanjavur for the offences under Sections 294(B), 323, 352 and 50(1) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Prevention of Atrocities Act, 1989.

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.

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5. A Joint Memo of Compromise is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court and identified by Mr.N.Athamanthan, Head Constable, Swamimalai Police Station, Thanjavur 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 petitioner is the sole accused. Now the parties have compromised the matter and the defacto complainant has also received the compensation from the accused. 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.



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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.20 of 2024 on the file of the 1st Additional District Judge (PCR) Court, Thanjavur as against the petitioner even though, the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in Spl.S.C.No.20 of 2024 on the file of the 1st Additional District Judge (PCR) Court, Thanjavur is quashed as against the petitioner and the joint compromise memo shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index : Yes/No

Internet : Yes/No

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To

- 1.The Deputy Superintendent of Police,
Thanjavur District.
- 2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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