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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.1531 of 2015

and

Crl.M.P.(MD)Nos.1 and 2 of 2015

- 1.Mohammed Imam Meeran
- 2.Jennath Beevi
- 3.Kameela Banu
- 4.Serajudeen
- 5.Hairunnisha
- 6.Mahin Abupacker

... Petitioners/Accused Nos.1 to 6

-vs-

- 1.The State represented

by its Inspector of Police,

All Women Police Station Tiruchendur,

Tiruchendur, Thoothukudi District.

(in Crime NO.11/2013)

... 1st Respondent/ Complainant

- 2.Munavar Fathima

... 2nd Respondent/defacto

Complainant

Prayer: Petitions filed under Section 482 of Code of Criminal Procedure to call for the records relating to C.C.No.227 of 2013 on the file of the Judicial Magistrate, Tiruchendur and quash the same.

For Petitioners : Mr.C.M.Ganesan

For Respondents : Mr.K.V.Rajarajan
Government Advocate(Crl.Side)
for R.1
: Mr.D.Karunanithi
for R.2

O R D E R

This petition has been filed seeking to quash the case registered in Crime No.11 of 2013 on the file of the first respondent police, pursuant to the amicable settlement effected between the parties.

2. It is seen that the case in Crime No.11 of 2013 for the alleged offences under Sections 498(A), 406 I.P.C. and Sections 4 and 6 of Dowry Prohibition Act has been registered against the petitioners/Accused. On 15.07.2015, this Court referred the matter

to the Mediation and Conciliation Centre attached to this Court.

3. When the matter is taken up for hearing, the petitioner and the second respondent, appeared in persons and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Government Advocate (Crl.Side) through the respondent Police. The learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. It is seen from the Mediation Report dated 01.10.2015 that the matter has been amicably settled between the parties in the Mediation Centre and the terms of settlement arrived at between them before the Mediation and Conciliation Centre, attached to this Court read as under:

"Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. Petitioners are ready to offer a sum of Rs.2,00,000/- (Rupees Two Lakhs only) and the respondents also accept the same.

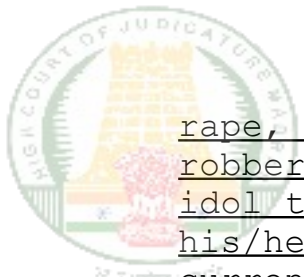
2. Today, 01.10.2015, the petitioners have given the said amount to the respondents.

3. The petition for quash filed by the petitioners before High Court Bench at Madurai in Crl.O.P.(MD)No.1531/2015 against C.C.No.227/2013. Due to their mutual settlement both of them wish and ready to appear before the High Court Bench, in the hearing. (the matter had already settled before the Mediation).

4. The petitioners promised to deliver the Sridhana articles on 02.10.2015."

5. Earlier, this Court also entertained such request in similarly placed matters in **Crl.O.P. (MD) Nos.406, 530 and 864 of 2016 (Prabu and others vs. State Rep. By The Inspector of Police and others), decided on 27.01.2016**, by considering various decisions rendered by the Hon'ble Supreme Court in this regard in several cases, namely, **Gian Singh vs. State of Punjab and another [(2012) 10 SCC 303]**, **B.S.Joshi vs. State of Haryana [(2003) 4 SCC 675]**, **Nikhil Merchant vs. CBI [(2008) 9 SCC 677]**, **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]** and **State of Madhya Pradesh vs. Manish and others [(2015) 8 SCC 307]** and observed as under:

"11. If the offences against women and children and the IPC offences falling under the categories, like, murder, attempt to murder, offence against unsound mind,



rape, bribe, fabrication of documents, false evidence, robbery, dacoity, abduction, kidnapping, minor girl rape, idol theft, preventing a public servant from discharging of his/her duty, outrage of woman modesty, counterfeiting currency notes or bank notes, etc., are allowed to be compounded, it will surely have serious repercussion on the society, as the above mentioned list is only illustrative and not exhaustive. Similarly, any compromise between the victim and the offender in relation to the offences clubbed with Special Enactment, like Arms Act, the Prevention of Corruption Act, TNPPDL Act, TNPID Act or the offences committed by Public Servants while working in that capacity, etc., cannot provide for any basis for quashing criminal proceedings involving such offences. As held by the Apex Court, insofar the offences arising out of matrimonial dispute, relating to dowry or the family disputes where the wrong is basically private or personal in nature, are concerned, the possibility of conviction is remote and bleak, in case the parties resolve their entire disputes amicably among themselves. This Court feels that there cannot be any compromise in respect of the heinous and serious offences of mental depravity and in that case, the Court should be very slow in accepting the compromise. If the compromise is entertained mechanically by the Court, the accused will have the upper hand. The jurisdiction of this Court may not be allowed to be exploited by the accused, who can well afford to wait for a logical conclusion. The antecedents of the accused have also to be taken into consideration before accepting the memo of compromise and the accused, by means of compromise, cannot try to escape from the clutches of law.

6. Taking note of the judgments referred to supra, considering the nature of allegations and in view of the mediation report dated 01.10.2015, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in Crime No.11 of 2013 on the file of the first respondent in respect of all the accused including those who are not before this Court, are hereby quashed.

7. Accordingly, the Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The Mediation Report dated 01.10.2015 shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True copy/



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To:

1. The Judicial Magistrate Court, Tiruchendur.

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

CSL/AAL-MPA/05.04.2016 :2p/3c

Cr1.O.P. (MD) No.1531 of 2015

28.03.2016