



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.4706 of 2016

Siva @ Sivasankar

... Petitioner/
Sole accused

-Vs-

1. State rep. by
The Deputy Superintendent of Police,
Kottaipattinam
Pudukkottai District
 2. The Sub Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District
 3. Ramu
- ... 1st & 2nd Respondents/
Complainants
- ... 3rd Respondent/
Defacto Complainant

Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for the records relating to the FIR dated 24.01.2016 in Crime No.23 of 2016, on the file of the 2nd respondent police and quash the same by allowing this criminal original petition.

For Petitioner : Mr.K.Baalasundharam

For R1 & R2 : Mr.K.V.Rajarajan
Government Advocate (Crl. Side)

For R3 : Mr.S.T.Sasidharan Tamilkani

O R D E R

This petition has been filed seeking to quash the case registered in Crime No.23 of 2016 on the file of the 2nd respondent police, pursuant to the amicable settlement effected between the



2. It is seen that a case in Crime No.23 of 2016 for the alleged offences under Sections 294(b), 323 and 506(ii) IPC r/w Section 3(1)(x) of SC/ST (POA) Act, has been registered against the petitioner / Accused.

3. When the matter is taken up for hearing, the petitioner/Accused and the third 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, namely, P.Nagarajan, Sub-Inspector of Police, Manamelkudi Police Station, Pudukottai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The counsel appearing on either side filed a joint memo of compromise dated 04.02.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the third respondent has agreed to withdraw the above case in Crime No.23 of 2016 pending on the file of the 2nd respondent.

5. When such a situation arose 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 28.01.2016, this Court considered the 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 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 joint memo of compromise dated 04.02.2016, 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.23 of 2016 on the file of the 2nd respondent in respect of the petitioner/accused, are hereby quashed.

Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memos dated 04.02.2016 shall form part of this order.

Sd/-
Assistant Registrar()

/TRUE COPY/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Kottaipattinam, Pudukottai District
2. The Sub Inspector of Police,
Manamelkudi Police Station, Pudukottai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr. K. Balasundharam, Advocate, Sr.No.17416

RR

<https://hcmjce.court.gov.in/cse/2016/3P-5C>

Cr1.O.P. (MD) No.4706 of 2016
28.03.2016