



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.5185 of 2016

- 1.Nambukumar
- 2.Bose
- 3.L.K.Mohanram
- 4.Ganesh Prasath
- 5.Gnanamani
- 6.Mari
- 7.Charles Alexander
- 8.Selvaraj
- 9.Kumar @ Sivakumar
- 10.Ganapathi

... Petitioner / Accused 2 to 11

Vs.

1. State represented by
The Sub-Inspector of Police,
CCB Police Station, Madurai.
(Crime No.65 of 2011) ... 1st Respondent / Complainant
2. Suthanthira Marimuthu ... 2nd Respondent /
Defacto complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records in C.C.No.11 of 2014, on the file of the learned Land Grabbing-cum-Judicial Magistrate, Madurai, and quash the same as illegal.

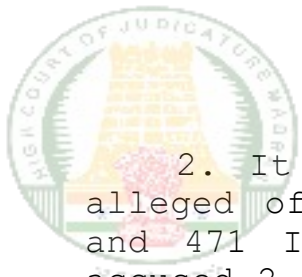
For Petitioners : Mr.N.Ananthapadmanabhan

For Respondents : Mrs.S.Prabha,
Government Advocate (Crl.Side) for R1

Mr.C.P.Thiruchangu for R2

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.11 of 2014, on the file of the learned Land Grabbing-cum-Judicial Magistrate, Madurai, pursuant to the amicable settlement effected between the parties.



2. It is seen that a case, in Crime No.65 of 2011 for the alleged offences under Sections 120(b), 419, 420, 423, 465, 468 and 471 I.P.C., has been registered against the petitioners / accused 2 to 11. After completion of the investigation, the first respondent Police has filed a charge sheet, which was duly taken on file in C.C.No.11 of 2014 by the learned Judicial Magistrate No.I, Madurai.

3. When the matter is taken up for hearing, the petitioners / accused 2 to 11 and the second respondent, appeared in person and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the Government Advocate (Criminal Side) through the respondent Police, namely, K.Chinnasamy, Sub-Inspector of Police, C.C.B.Police Station, Madurai. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The learned counsel appearing on either side filed a joint memo of compromise, dated 21.03.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed for quashing of the above case in C.C.No.11 of 2014 pending on the file of the learned Land Grabbing-cum-Judicial Magistrate, Madurai.

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 a pernicious 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 joint memo of compromise, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in C.C.No.11 of 2014 pending on the file of the Land Grabbing-cum-Judicial Magistrate, Madurai, in respect of all the accused are hereby quashed.

7. Accordingly, this criminal original petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo, dated 21.03.2016, shall form part of this Order.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar



Encl:
Xerox copy of Joint Compromise Memo

To தலைவர் அவர்கள்

1. The Land Grabbing-cum-Judicial Magistrate,
Madurai.
2. The Sub-Inspector of Police,
CCB Police Station, Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Krk

JM/SKS-RR/15.04.2016/4P-4C

Cr1.O.P. (MD) No.5185 of 2016
04.04.2016