



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)Nos.6677 and 6678 of 2016

1. Sheela

2. Dishon ... Petitioners in Crl.O.P.No.6677/2016

Rohini ... Petitioner in Crl.O.P.No.6678/2016

Vs.

1. The State represented by
the Inspector of Police,
Railway Police Station,
Dindigul.

2. Thavasiappan ... Respondents in Crl.O.P.No.6677/2016

1. The State represented by
the Inspector of Police,
Railway Police Station,
Dindigul.

2. S.Raja ... Respondents in Crl.O.P.No.6678/2016

Prayer in Crl.O.P.No.6677/2016: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.55 of 2016 in Crime No.47 of 2015 on the file of the Judicial Magistrate No.II, Dindigul and quash the same.

Prayer in Crl.O.P.No.6678/2016: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.46 of 2015 on the file of the first respondent and quash the same.

For Petitioners in
Crl.O.P.No.6677/2016

: Mr.N.Mariappan

For Petitioner in
Crl.O.P.No.6678/2016

: Mr.Mathan



For R1 in both Crl.O.Ps. : Mrs.S.Prabha
Govt. Advocate (Crl.side)

For R2 in
Crl.O.P.No.6677/2016 : Mr.Mathan

For R2 in
Crl.O.P.No.6678/2016 : Mr.N.Mariappan

C O M M O N O R D E R

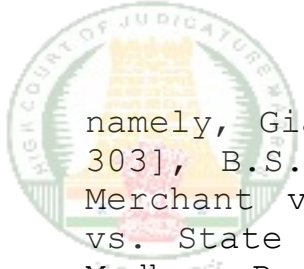
These Criminal Original Petitions have been filed seeking to quash the proceedings in C.C.No.55 of 2016 in Crime No.47 of 2015 on the file of the Judicial Magistrate No.II, Dindigul and to quash the F.I.R. in Crime No.46 of 2015 on the file of the first respondent.

2. It is seen that a case in Crime No.47 of 2015 for the alleged offences under Sections 294(b) and 323 of I.P.C.,, has been registered against the petitioners in Crl.O.P.(MD).No.6677 of 2016. After completion of the investigation, the first respondent has filed a charge sheet, which was duly taken on file in C.C.No.55 of 2016 by the Judicial Magistrate No.II, Dindigul and a case in Crime No.46 of 2015 for the alleged offences under Sections 294(b), 323 and 506(i) of I.P.C., has been registered against the petitioner in Crl.O.P.(MD).No.6678 of 2016.

3. When the matters were taken up for hearing, the petitioners and the second respondent in both the Crl.O.Ps. 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 learned Government Advocate (Crl.side) through the respondent Police, namely, M.Prabhu, Superintendent of Police, Railway Police, Palani. 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, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent in both the Crl.O.Ps. have agreed for quashing of the above case in C.C.No.55 of 2016 pending on the file of the Judicial Magistrate No.II, Dindigul and the case in Crime No.46 of 2015 pending on the file of the first 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. 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 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.

5. Taking note of the judgments referred to supra, considering the nature of allegations and in view of joint memos 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.55 of 2016 pending on the file of the Judicial Magistrate No.II, Dindigul and the proceedings in Crime No.46 of 2015 pending on the file of the first respondent in

<https://hccpcorcts.gov.in/lasercs/> the accused are hereby quashed.



6. Accordingly, these Criminal Original Petitions are allowed on the basis of the compromise entered into between the parties. The joint compromise memos shall form part of this order.

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Sd/-
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

Encl:
Xerox Copy of the Memo of Joint Compromise.

To

1. The Inspector of Police,
Railway Police Station,
Dindigul.
2. The Judicial Magistrate No.II,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Akv

JM/JGB/12.05.2016/4P-4C

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25.04.2016