



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.6355 of 2016

WEB COPY

1. R. Kannan
2. R. Kasthuri
3. G. Ramachandran
4. V. Hemalatha
5. P. Vimala
6. R. Vengatesh
7. V. Geetha

... Petitioners

Vs.

1. The State of Tamilnadu
represented by the
Inspector of Police,
All Women Police Station, Thiruparankundram,
Madurai.

2. K. Vijayalakshmi

... Respondents/Complainants

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records relating to the First Information Report in Crime No.57 of 2013 registered by the first respondent police and quash the same.

For Petitioners : Mr. A. Sivasubramanian
For R1 : Mrs. S. Prabha
Government Advocate (Crl. Side)
For R2 : M/s. S. Banumathy for
Mr. P. S. Nagarajan

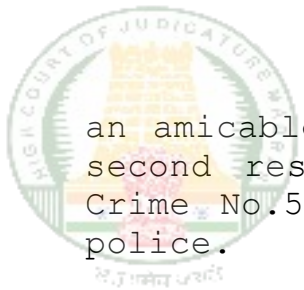
O R D E R

This Criminal Original Petition has been filed to call for records relating to the First Information Report in Crime No.57 of 2013 registered by the first respondent police and quash the same.

2. It is seen that a case in Crime No.57 of 2013 for the alleged offences under Sections 498(A), 406, 494, 506(i) of I.P.C. and Section 4 of TNPWH Act, has been registered against the petitioners.

3. When the matter was taken up for hearing, the petitioners 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 learned Government Advocate (Crl. side) through the respondent Police, namely, P. Kavitha, Inspector of Police, All Women Police Station, Thiruparankundram, Madurai. Learned counsel appearing for the parties also endorsed the identify of their respective

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 has agreed for quashing of the above case in Crime No.57 of 2013 pending on the file of the first respondent police.

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 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 Crime No.57 of 2013 pending on the file of the respondent police 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 shall form part of this order.

8. For reporting compliance, post the matter on 18.04.2016.

Sd/-

13/04/2016

This matter having been posted for reporting Compliance on this Wednesday, the Twentieth day of April 2016 and in the presence of Mr.A.Sivasubramanian, Advocate for the Petitioners and of Mrs.S.Prabha, Government Advocate(Crl.Side) for the first respondent and of Ms.A.Banumathy, Advocate for Mr.P.S.Nagarajan, Advocate for the 2nd respondent, this Court made the following Order:-

Though final orders were passed on 13.04.2016, the matter was posted today for reporting compliance with regard to the payment of Rs.8 lakhs to the de-facto complainant and her daughter.

2. Today, the learned counsel for the petitioner and the learned counsel for the de-facto complainant submitted that a sum of Rs.8 lakhs has been paid to the de-facto complainant Ms.Vijayalakshmi and Dharani. They have filed a memo stating that the said sum has been paid by way of Demand Draft bearing No.259368 in favour of Ms.Vijayalakshmi and Demand Draft bearing No.402399 in favour of K.Dharani.

Recording the same, this petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Inspector of Police, All Women Police Station,
Thiruparankundram, Madurai.

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

SH/5C/3p/SKS/RR/12/5/2016

+2CC to Mr.A.SIVASUBRAMANIAN, Advocate, SR.21951