



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.06.2018

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.2886 of 2015
and
MP(MD)Nos.1 and 2 of 2015

1.Balasubramani
2.Karuppaiah
3.Rajarathinam
4.Vijayalakshmi
5.Ayyanar
6.Padmapriya
7.Boomibalagan

.. Petitioners

vs.

1.The Sub Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.
Crime No.7 of 2014.

2.Shanthameena

.. Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the complaint in CC.No.299 of 2014 on the file of the District Munsif Cum Judicial Magistrate Court, Andipatti and quash the same as illegal.

For Petitioners : Mr.T.Vadivelan
For R1 : Mr.Suyambulinga Bharathi
Government Advocate (Crl.Side)
For R2 : Mr.S.Muthalraj

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.299 of 2014 on the file of the District Munsif - Cum - Judicial Magistrate Court, Andipatti.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.7 of 2014 for the offence punishable under Sections 498(A) and 506(i) IPC and 4 of the Dowry Prohibition Act against the petitioners herein. After completing investigation, the first respondent has filed final report and the same has been taken on file in C.C.No.299 of 2014 by the District Munsif - Cum - Judicial Magistrate Court, Andipatti and for quashing the same, this petition has been filed.



3.The parties have filed a joint memo of compromise on 25.04.2018, wherein, it is stated as follows:

"The petitioner filed a quash petition along with other accused before this Hon'ble Court in CrI.O.P(MD) No.2886 of 2015, which also pending, now the defacto complainant on the advice of elders and relatives not proceed the above said case further and want to compromise the said case.

Hence, both parties without any compulsion, coercion and influence signed this compromise memo with their full consent."

4.Today, when the matter is taken up for hearing, M/s.K.Rethika, Sub-Inspector of Police, All Women Police Station, Andipatti, Theni District is present. 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 Government Advocate (CrI.Side) through the respondent Police, namely, M/s.K.Rethika, Sub-Inspector of Police, All Women Police Station, Andipatti, Theni District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

5.When such a situation arose in similarly placed matters in CrI.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 the joint memo of compromise filed on 25.04.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, this petition is allowed and the entire proceedings in C.C.No.299 of 2014 pending on the file of the District Munsif - Cum - Judicial Magistrate Court, Andipatti in respect of the petitioners/accused Nos.1 to 7 are hereby quashed. The joint compromise memo filed on 25.04.2018 shall form part of this order.

7. At the instance of the learned counsel for the petitioners, the petitioners themselves voluntarily came forward to contribute some amount to the Mediation and Conciliation Centre attached to this Bench.

8. Accepting the submission, each petitioner is directed to pay a sum of Rs.3,000/- (Total sum of Rs.21,000/-) to the Mediation and Conciliation Centre attached to this Bench, under the head of Infrastructure funds, within a period of two weeks from the date of receipt of a copy of this order. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai. Consequently, MP(MD)Nos.1 and 2 of 2015 are closed.

Sd/-
Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar

Enclosure: Xerox copy of Joint Compromise Memo

To
<https://hcservices.ecourts.gov.in/hcservices/>
1. The District Munsif - Cum - Judicial Magistrate Court,
Andipatti.



2.The Sub Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.

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

4.The Officer Incharge,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai.

5.The Registrar (Administration),
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.T.Vadivelan, Advocate SR.No. 70275

+1cc to M/S.Na.Palaniyandi, Advocate SR.No. 70106

Cr1.O.P.(MD) No.2886 of 2015

mj

JM/SB/SAR 2/10.07.2018/4P/8C