



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

CRL.O.P. (MD) No.5246 of 2018

- 1.Ramesh
- 2.Ashok Pandi
- 3.Pandiarajan
- 4.Pappammal
- 5.Tamilselvi
- 6.Sundari
- 7.Umamaheswari

: Petitioners/Accused Nos.1 to 7/
Accused 1 to 7

-Vs-

1. The Inspector of Police,
S.S.Colony Police Station,
Madurai,
(Crime No.496 of 2015)

... 1st Respondent/Complainant/
Complainant

- 2.Rajeswari

... 2nd Respondent/Defacto Complainant/
Defacto Complainant

- 3.P.Mayavan

- 4.Manikandan

...3 and 4th Respondents/Injured
witnesses

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining to the case in S.C.No.193 of 2016 on the file of the learned II Additional Sub Judge (Assistant Sessions Judge) Madurai registered in Crime No.496 of 2015 on the file of the 1st Respondent police and quash the same.

For Petitioners

For R1

For R2 to R4

: Mr.J.Lawrance

: Mr.K.Prabhu Ramachandran

Government Advocate (Crl. Side)

: Mr.B.Arun

O R D E R

On the complaint lodged by one Rajeswari, the first respondent police has registered a case in Cr.No.496 of 2015 and the investigation has been completed and charge sheet has been filed in S.C.No.193 of 2016 before the learned II Additional Sub Judge (Assistant Sessions Judge) Madurai, under Sections 147, 148, 294



(b), 323, 324, 307 and 506(ii) of I.P.C., and Section 3 of TNPPDL Act against the petitioners herein, for quashing which, the petitioners and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

2. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. side) appearing for the first respondent and the learned counsel for the 2nd respondent.

3. Today, when the matter was taken up for hearing, Mr.T.Pandi, Special Sub Inspector of Police, S.S.Colony Police Station is present. The defacto complainant and the petitioners are present 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 (Criminal side) through Special Sub-Inspector of Police, S.S.Colony Police Station, Madurai District.

4. Under normal circumstances, an offence under Section 307 IPC would not be quashed. However, in **Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466]**, the Hon'ble Supreme Court has stated that the prosecution under Section 307 IPC can be quashed, if certain conditions exist and the relevant portion of the above said order is extracted hereunder:

"Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provisions. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc., Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea of compromise in the offence based on complete settlement between the parties. At this stage, the Court can also



be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship. (Emphasis supplied)."

5. The petitioners and the second respondent have filed a joint compromise memo dated 26.03.2018, wherein, it is stated as follows:

"1.It is respectfully submit that the 1st Respondent has registered a Criminal Case as against the petitioners I Crime No.496 of 2015 on the basis of the complaint filed by the 2nd respondent/Defacto complainant and a Charge Sheet was filed in P.R.C.No.31 of 2015 before the Learned Judicial Magistrate No.II, Madurai by the 1st Respondent police and the Learned Judicial Magistrate after committal proceedings transferred the same to the Court of II Additional Sub Judge (Assistant Sessions Judge), Madurai who took the same in S.C.No.196 of 2016 and the same is pending.

2.It is submitted that the petitioners have filed a quash petition in the above Criminal Original Petition to quash the above case in S.C.No.193 of 2016 on the file of the Learned II Additional Sub Judge (Assistant Sessions Judge, Madurai). It is pertinent to mention that the petitioners/Accused and the Defacto complainant are husband and wife and the dispute itself is marital and among themselves. Hence the 2nd respondent/Defacto complainant also filed a detailed Affidavit seeking to quash the above case in S.C.No.193 of 2016 on the file of the Learned II Additional Sub Judge, Assistant Sessions Judge, Madurai.

3.It is further submitted that during the pendency of the said proceedings, the petitioners and the Defacto complainant have decided to compromise the above case morefully at the instance of the family elders and well wishers and since both the parties are residing in the same locality morefully the dispute involved is only marital dispute between wife, husband and in laws.

4.It is submitted that after filing of the above complaint as stated above, the well wishers of both the families and family elders advised both the parties that in the interest of maintaining peace and harmony in the locality and also in the interest of continuing future family relations in the families of the parties, both parties have compromised themselves.



Hence, it is just and necessary to file this Compromise Memo before this Hon'ble Court and record the same and dispose of the above petition.

It is therefore prayed that this Hon'ble Court may be pleased to record the above compromise arrived between the petitioners/Accused herein and the Defacto Complainant and the Respondents No.3 and 4 amicably and prays this Hon'ble Court to quash the case in S.C.No.196 of 2016 on the file of the learned II Additional Sub Court (Assistant Sessions Judge), Madurai and pass such other orders as this Hon'ble court may deem fit and proper in the circumstances of the case and thus render justice."

6. In view of the above, 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 S.C.No.193 of 2016, on the file of the II Additional Sub Court (Assistant Sessions Court) Madurai, in respect of accused Nos.1 to 7, is quashed. The joint compromise memo dated 26.03.2018 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, the petitioners are directed to pay a sum of Rs.1000/- (Rupees Thousand only), **each** to the Mediation and Conciliation Centre attached to this Bench, under the head of Infrastructure Funds, within a period of two weeks from today. After making payment, a copy of the challan shall be furnished to the Registrar (Administration), Madurai Bench of Madras High Court, Madurai.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of joint compromise memo
To

1. The Inspector of Police,
S.S.Colony Police Station,
Madurai.

2. The II Additional Sub Court
<https://hcservices.ecourts.gov.in/hcservices/>
(Assistant Sessions Court),
Madurai.



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

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

+1cc to Mr.J.Lawrance, Advocate Sr.No.61287

AM

VB/KKR/SAR2/16/0/2018/5P/6C

Order made in
CRL.O.P.(MD) No.5246 of 2018
Dated: 12.04.2018