



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.6190 of 2018

- 1.Balamurugan
- 2.Pillayar @ Ganesa Moorthy
- 3.Sandhiveeran @ Sandhiveerasamy
- 4.Petchiammal
- 5.Lekkammal
- 6.Vijayalakshmi
- 7.Manickavalli

.. Petitioners/Accused Nos.1 to 7

vs.

1. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
In Crime No.174 of 2016. ..1st Respondent/Complainant
- 2.Veeranan ..2nd Respondent/Defacto Complainant
- 3.Veerammal ..3rd Respondent/Injured

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records in Crime No.174 of 2016 on the file of the 1st respondent police and quash the same.

For Petitioners	: Mr.Pon Karthikeyan
For R1	: Mr.Prabhu Ramachandran Government Advocate (Crl.Side)
For R2 & R3	: Mr.K.Sathish Kumar

ORDER

This petition has been filed seeking to quash the case registered in Crime No.174 of 2016 pending on the file of the first respondent Police.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.174 of 2016 for the offence punishable under Sections 147, 294 (b), 306, 323, 506(i) IPC r/w 4 of Tamilnadu Prohibition of Harassment of Women Act against the petitioners herein and for



quashing the same, the petitioners and defacto complainants are before this Court on the ground that they have arrived at a compromise.

3. Today, when the matter was taken up for hearing, Mr. Tirunavukkarasu, the Special Sub Inspector of Police, Mallankinaru Police Station, Virudhunagar District is present. The petitioners and the defacto complainants 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 the respondent police, namely, Mr. Tirunavukkarasu, the Special Sub the Inspector of Police, Mallankinaru Police Station, Virudhunagar District. Learned counsel appearing for the parties also endorsed the identity of their respective parties.

4. The learned counsel appearing for the petitioner filed this quash petition along with a joint memo of compromise, dated 13.04.2018, wherein, it is stated as follows:

"(2) It is submitted that already there is a land dispute pending between the parties. The respondents 2 & 3 are the neighbours of the petitioners. After registration of the FIR the parties herein have settled the dispute amicably. At the intervention of the elders from the both families and elders of the village, the petitioners as well as the respondents 2 and 3 have settled their difference of opinion. Since the 2nd and 3rd respondents due to misunderstanding lodged the present complaint, they have agreed to compromise the case without any claim.

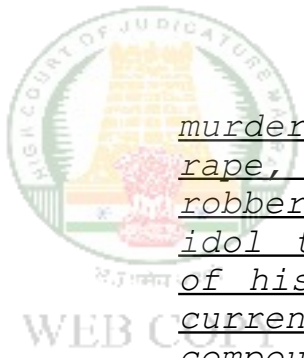
(3) It is submitted that all the offences which are mentioned in the FIR are simple in nature and not serious offences. In view of the compromise the respondents 2 and 3 have agreed to drop criminal prosecution against the petitioners. The 2nd and 3rd respondents have no objection to quash FIR in Crime No.174 of 2016."

5. 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:

<https://hcservices.ecourts.gov.in/hcservices/>

11. If the offences against women and children and the IPC offences falling under the categories, like,

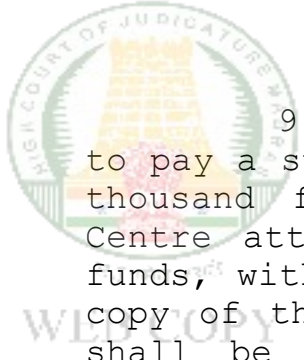


murder, attempt to murder, offence against unsound mind, rape, bribe, fabrication of documents, false evidence, robbery, dacoity, abduction, kidnapping, minor girl rape, idol theft, preventing a public servant from discharging of his/her duty, outrage of woman modesty, counterfeiting currency notes or 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 dated 13.04.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the proceedings in Crime No.174 of 2016 pending on the file of the first respondent Police in respect of the petitioners/accused Nos.1 to 7 are hereby quashed.

7. This Criminal Original Petition is allowed accordingly on the basis of the compromise entered into between the parties. The joint compromise memo dated 13.04.2018 shall form part of this order.

8. 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.



9. Accepting the submission, each petitioner is directed to pay a sum of Rs.500/-, total sum of Rs.3,500/- (Rupees three thousand five hundred only) 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.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of joint Compromise Memo

To

1. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

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

+ 1 cc TO Mr.R.Ponkarthikeayan , Advocate in SR No. 63481

mj

AE/SV MMS/SAR1/07.05.2018/4P/5C

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25.04.2018