



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.10822 of 2018

Manikandan .. Petitioner/Sole Accused

vs.

1.State rep.by

The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No.28 of 2018.

.. Respondent/Complainant

2.Thangarathi

.. Respondent/Defacto Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the case in Crime No.28 of 2018 on the file of the Inspector of Police, Pazhavor Police Station, Pazhavor, Tirunelveli District and quash the same on the ground of compromise forthwith.

For Petitioner	:	Mr.S.Palani Velayutham
For R1	:	Mr.Prabhu Ramachandran
		Government Advocate (Crl.Side)
For R2	:	Mr.M.Nambu Marimuthu

ORDER

This petition has been filed seeking to quash the case in Crime No.28 of 2018 on the file of the first respondent on the ground that the parties have arrived at a compromise.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Cr.No.28 of 2018 for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC and 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 against the petitioner/sole accused and in order to quash the same, the petitioner is before this Court by filing the present petition.

3.Today, when the matter was taken up for hearing, Mr.T.Murugan, the Special Sub Inspector of Police, Pazhavor Police Station, Tirunelveli District is present. The defacto complainant and the petitioner 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 Mr.T.Murugan, the Special Sub Inspector of Police,



Pazhavor Police Station, Tirunelveli District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4.The petitioner has filed a memo of compromise on 27.06.2018 along with the present quash petition, wherein, it is stated as follows:

"6.The petitioner submits that the 2nd respondent is giving her consent for the said compromise and she was not insisted upon or compelled to get the said issue to be settled amicably between themselves at any point of time. Hence, this Hon'ble Court may take note of the same judicially and quash the said criminal proceedings on the ground of compromise forthwith.

Therefore, it is prayed that this Hon'ble Court may be pleased to accept the compromise arrived at between the petitioner and the 2nd respondent to compound the case pending in connection with Crime No.28 of 2018 on the file of the first respondent / The Inspector of Police, Pazhavor Police Station, Pazhavor, Tirunelveli District and quash the same."

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 the joint memo of compromise filed on 27.06.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in Crime No.28 of 2018 on the file of the first respondent is quashed in respect of the petitioner/sole accused.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 27.06.2018 shall form part of this order.

8. In this case, the learned counsel appearing for the petitioner submitted that the petitioner is willing to contribute some amount to the High Court Legal Services Committee, Madurai Branch under the Head "Environmental Fund" to preserve the environment. Hence, petitioner is directed to remit a sum of Rs.3,000/- (Rupees three thousand only) as costs within a period of two weeks from the date of receipt of a copy of this order, by way of an Demand Draft drawn in favour of the High Court Legal Services Committee, Madurai Branch, who shall receive the said amount as "Environmental Fund" and make use of the said amount for the purposes mentioned in the order passed by this Court in CRP (NPD) No.1643 of 2010 on 20.06.2018 [D.Govindasamy Vs. L.Ganesh Naidu (Deceased) and 2 others]. A report in this regard shall be sent by the High Court Legal Services Committee, Madurai to the Member Secretary, Tamil Nadu State Legal Services Authority, Chennai, mentioning clearly the amounts spent towards the purposes mentioned in the above order and the balance amount left etc.,

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar



To

1.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.

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

3.The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai.

4.The High Court Legal Services Committee Secretary,
Madurai.

+1cc to Mr.S.Palani Velayutham, Advocate, SR.No.72325.

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RAM/SV/SAR 4/20.07.2018/4P/6C