



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2018

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMARCrl.O.P. (MD) No.9352 of 2018

WEB COPY

S.Murugan

... Petitioner/Sole Accused

vs.

1. State through
The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli.

... 1st Respondent/
Complainant

(in Crime No.258/2017)

2. Gomathi

... 2nd Respondent/ Defacto
Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to C.C.No.45/2018 dated 06.11.2017 pending on the file of the learned Judicial Magistrate, Sankarankovil and quash the same.

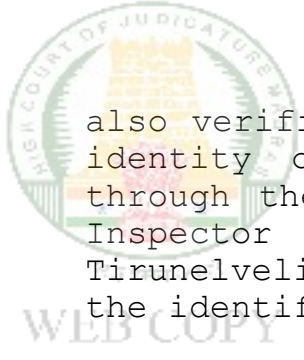
For Petitioner	: Mr.Y.Krishnan
For R1	: Mr.Prabhu Ramachandran Government Advocate (Crl.Side)
For R2	: Mr.M.Dinesh

O R D E R

This petition has been filed seeking to quash the charge sheet filed in C.C.No.45 of 2018 on the file of the learned Judicial Magistrate, Sankarankovil against the petitioner herein for the offence under sections 294(b), 354, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.258 of 2017 for the offence punishable under Sections 294(b), 354, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 against the petitioner herein. After completing investigation, the first respondent has filed charge sheet and the same has been taken on file in C.C.No.45 of 2018 by the Judicial Magistrate, Sankarankovil and for quashing the same, the petitioner and the defacto complainant are before this Court on the ground that they have arrived at a compromise.

3.Today, when the matter is taken up for hearing, Mr. S. Arumugam, Special Sub-Inspector of Police, Sankarankovil Taluk Police Station, Tirunelveli is present. The petitioner 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 (Crl.Side) through the respondent Police, namely, Mr.S.Arumugam, Special Sub-Inspector of Police, Sankarankovil Taluk Police Station, Tirunelveli. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The parties have filed a joint memo of compromise on 04.06.2018, wherein, it is stated as follows:

"5.It is submitted that due to the pendency of the criminal case in C.C.No.45/2018 on the file of Judicial Magistrate, Sankarankovil, the families of both the petitioner/Accused and the de-facto complainant are leading a unhappy life with strained circumstances and in the uncongenial atmosphere.

6.It is submitted that under these circumstances, since the family of the Petitioner/Accused and the defacto complainant are living in the same locality and the Petitioner/Accused is a Government servant and has been placed under suspension and the families are leading only a miserable life, both the Petitioner/Accused and the de-facto complainant have given up their misunderstandings duly considering the welfare of their respective family and the children and have entered into an amicable compromise in the presence of their respective family.

7.It is submitted that on account of amicable compromise arrived at in the presence of elders of locality, the Petitioner/Accused and the defacto complainant are not willing to continue the further proceedings in C.C.No.45/2018 dated 06.11.2017 pending on the file of the learned Judicial Magistrate, Sankarankovil.

Therefore, it is prayed that this Hon'ble Court may be pleased to accept this compromise Memo filed by both the petitioner/Accused and the de-facto complainant and quash the Charge sheet filed in c.c.No.45 of 2018 on the file of the learned Judicial Magistrate, Sankarankovil and thus render justice."

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:



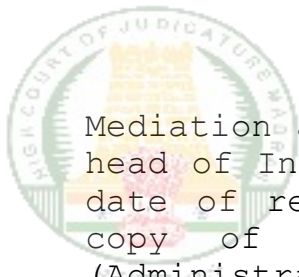
"11. If the offences against women and children and the IPC offences falling under the categories, like, murder, attempt to murder, offence against unsound mind, rape, bribe, fabrication of documents, false evidence, robbery, dacoity, abduction, kidnapping, minor girl rape, idol theft, preventing a public 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 04.06.2018, 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.45 of 2018 pending on the file of the Judicial Magistrate, Sankarankovil in respect of the petitioner/sole accused are hereby quashed. The joint compromise memo filed on 04.06.2018 shall form part of this order.

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

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

8. Accepting the submission, the petitioner is directed to pay a sum of Rs.3,000/- (Rupees three thousand 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.

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Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

Encl.:Xerox Copy of Joint Compromise Memo
To

1. The Judicial Magistrate,
Sankarankovil.
2. The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Registrar(Administration),
Madurai Bench of Madras High Court,
Madurai.
5. Deputy Registrar,
(Lok Adalat, Mediation & Conciliation Centre),
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Y.Krishnan, Advocate in SR. No.69183
cp/mj
MK/SB/SAR 2/05.07.2018/4P/7C

Cr1.O.P.(MD) No.9352 of 2018
20.06.2018