



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.10182 of 2018

WEB COPY

S.Sundar

.. Petitioner

vs.

1. State rep. through
The Inspector of Police,
Thilagarthidal Police Station,
Madurai.
Crime No.94 of 2012.

2. B.Jansi Rani

.. Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to quash the Charge Sheet in C.C.No.180 of 2012 on the file of the Judicial Magistrate No.II, Madurai.

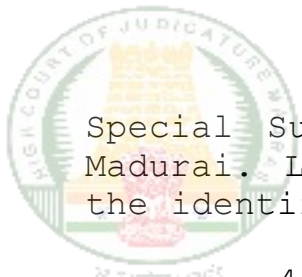
For Petitioner	:	Mr.K.Manoharan
For R1	:	Mr.Prabhu Ramachandran Government Advocate (Crl.Side)
For R2	:	Mr.R.Pandi Maharaja

O R D E R

This petition has been filed seeking to quash the Charge Sheet in C.C.No.180 of 2012 pending on the file of the Judicial Magistrate No.II, Madurai.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.94 of 2012 for the offence punishable under Sections 323, 294 (b) and 506(i) IPC against the petitioner/accused herein. After completing investigation, the first respondent has filed charge sheet and the same has been taken on file in C.C.No.180 of 2012 by the Judicial Magistrate No.II, Madurai 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. Further it is stated that trial in the above said case is not yet commenced.

3.Today, when the matter was taken up for hearing, Mr.S.P.Marichamy, the Special Sub Inspector of Police, Thilagarthidal Police Station, Madurai 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.S.P.Marichamy, the



Special Sub Inspector of Police, Thilagarthidal Police Station, Madurai. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The learned counsel appearing for the petitioner filed this quash petition along with a joint memo of compromise filed on 26.04.2018, wherein, it is stated as follows:

"It is submitted that in view of the compromise arrived at between the parties of the instant case, this joint compromise memo is filed and the same may be taken on file in order to record the compromise. The parties had amicably settled their disputes. "

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 also considering the fact that the petitioner and second respondent/defacto complainant are relatives and they have settled the dispute amicably and to that effect a joint memo of compromise has also been filed on 26.04.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.180 of 2012 pending on the file of the Judicial Magistrate, No.II, Madurai in respect of the petitioner/accused are hereby quashed.

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 26.04.2018 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 District Legal Services Authority, Pudukottai under the Head "Environmental Fund" to preserve the environment. Hence, petitioner is directed to remit a sum of Rs.5,000/- as costs within a period of two weeks from the date of receipt of a copy of this order, by way of **Demand Draft** drawn in favour of the District Legal Services Authority, Pudukottai, 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 District Legal Services Authority, Pudukottai 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(CO)

/True Copy/

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

Sub Assistant Registrar(SAR-I)



Encl: Xerox copy of joint compromise memo

To

1. The Inspector of Police,
Thilagarthidal Police Station,
Madurai.
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 District Legal Services Authority, Pudukottai.

+1cc to Mr.C.M.Arumugam, Advocate Sr.No.72950

mj

VB/RP/SAR1/25.07.2018/4P/6C

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11.07.2018