



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.10516 of 2018

1.Rajalakshmi
2.Sathish Babu

.. Petitioners

Vs.

1. State rep.by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
Crime No.23 of 2013.

2. M.Thangamuniyaandi

.. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in connection with Crime No.23/2013 on the file of the 1st respondent police and quash the FIR.

For Petitioners : Mr.S.Poorna Chandran

For R1 : Mr.Suyambulinga Bharathi
Government Advocate (Crl. Side)

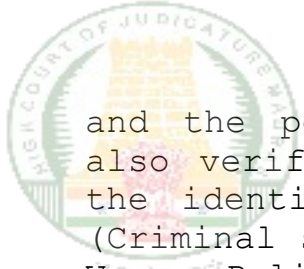
For R2 : M/s.P.Rajeswari

O R D E R

This petition has been filed seeking to quash the FIR, registered against the petitioners in Crime No.23 of 2013 by the first respondent.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Cr.No.23 of 2013 for the alleged offence punishable under Sections 420 and 506(i) IPC against the petitioners/accused Nos.1 and 2 and in order to quash the same, the petitioners are before this Court by filing the present petition, based on the compromise memo filed on 22.06.2018.

3.Today, when the matter was taken up for hearing, <https://hservices.mca.gov.in/hservices/> Mrs.Ramamani the Inspector of Police, All Women Police Station, Usilampatti, Madurai District 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 Mrs. Ramarani the Inspector of Police, All Women Police Station, Usilampatti, Madurai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The learned counsel appearing for the petitioners filed this quash petition along with a joint memo of compromise filed on 22.06.2018, wherein, it is stated as follows:

"2. Subsequent to the registration of FIR, the elderly persons of both families talked together and the dispute among the petitioners and the 2nd respondent was resolved amicably. The defacto complainant and the petitioners wish to compound the offence.

3. It is submitted that in these circumstances, the 2nd respondent proposed to compromise the above case and as such they had a talk to each other. As a result of which, they decided to settle the case amicably. On the strength of the compromise, the petitioner filed the above petition to quash the FIR.

It is therefore prayed that this Hon'ble Court may be pleased to accept this memo and quash the FIR in Crime No.23 of 2013 on the file of the 1st respondent."

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. At this juncture, the learned Government Advocate (Crl.Side) appearing for the first respondent submitted that investigation in Crime No.23 of 2013 is completed and 'action dropped' report is going to be filed.

7. In view of the above submission made by the learned Government Advocate (Crl.Side), taking note of the judgments referred to *supra*, considering the nature of allegations and in view of the joint memo of compromise filed on 22.06.2018, 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.23 of 2013 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 and 2 are hereby quashed.

8. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo filed on 22.06.2018 shall form part of this order.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar



To

1. The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.

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

+1cc to Mr.S.Poorna Chandran, Advocate Sr.No.70268

MJ

VB/PN/SAR4/10.07.2018/4P/4C

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27.06.2018