



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

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WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.10849 of 2018

Suresh

.. Petitioner/Sole Accused

vs.

1. The Inspector of Police,
South Gate Police Station,
Madurai District.
Crime No.257 of 2017.

..1st Respondent/Complainant

2.Pandi

..2nd Respondent/Defacto Complainant

3.Pandiselvi

4.Sorimuthu

.. Respondents 3&4/Injured

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.203 of 2017 in Crime No.257 of 2017 on the file of the Additional Mahila Court, (Magisterial Level) Madurai and quash the same and thus render justice.

For Petitioner	:	Mr.V.Ramalingam
For R1	:	Mr.Prabhu Ramachandran
		Government Advocate (Crl.Side)
For R2 to R4	:	Mr.M.Muthukumar

ORDER

This petition has been filed seeking to quash the charge sheet filed in C.C.No.203 of 2017 in Crime No.257 of 2017 on the file of the Additional Mahila Court, (Magisterial Level), Madurai.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.257 of 2017 for the offence under Sections 294(b), 324, 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 against the petitioner/sole accused. After completing investigation, the first respondent has filed charge sheet before the Additional Mahila Court, (Magisterial Level), Madurai and the same has been taken on file in C.C.No.203 of 2017 and for quashing the same, the petitioner, defacto complainant and



the injured persons are before this Court, stating that amicable settlement has been arrived at between the parties and the second respondent has agreed to quash the proceedings in C.C.No.203 of 2017.

3.Today, when the matter was taken up for hearing, Mr.R.Ghanaguru, the Special Sub Inspector of Police, South Gate Police Station, Madurai District is present. The defacto complainant, the petitioner and the injured persons 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.R.Ghanaguru, the Special Sub Inspector of Police, South Gate Police Station, Madurai District. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4.The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that trial in C.C.No.203 of 2017 is not yet commenced.

5.The learned counsel appearing for the petitioner and defacto complainant have filed a joint memo of compromise on 28.06.2018, wherein, it is stated as follows:

"3.It is submitted that the petitioner and the 2nd respondent are same locality. Due to intervention of village elders, the parties were entered into the compromise. In this circumstance, the 2nd respondent is not willing to proceed further against the petitioner before the respondent police.

4.It is submitted that the parties are compromised between themselves and the case is pending from 2017 onwards. All the offences are simple in nature. Under these circumstances, the C.C.No.203 of 2017 in Crime No.257 of 2017 may be quashed for welfare of the parties. In this circumstance, the 2nd and 4th respondents not willing to proceed further against the petitioner before the learned Additional Mahila Court (Magistrate Level), Madurai in C.C.No.203 of 2017. Now the 2nd to 4th respondents and the petitioner are entered into compromise themselves without any coercive manners. There is no serious allegation mentioned in the FIR and charge sheet."

6.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."

7. Taking note of the judgments referred to *supra*, considering the nature of allegations and also taking note of the fact that second respondent/defacto complainant has no objection to quash the proceedings in C.C.No.203 of 2017 and to that effect a joint memo of compromise has been filed on 28.06.2018, this Court is of the opinion that no useful purpose would be served in keeping the matter pending. Therefore, the entire proceedings in C.C.No.203 of 2017 on the file of the Additional Mahila Court, (Magisterial Level) Madurai in respect of the petitioner/sole accused 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 28.06.2018 shall form part of this order.

9. 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, Dindigul under the Head "Environmental Fund" to preserve the environment. Hence, petitioner is directed to remit a sum of Rs.3,000/- as costs within a period of one week 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, Dindigul, 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, Dindigul 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(CS-I))

/True Copy/

Sub Assistant Registrar

Encl: Xerox copy of joint Compromise Memo

To

1. The Additional Mahila Court (Magisterial Level), Madurai.

2. The Inspector of Police,
South Gate Police Station,
Madurai District.

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

4. The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai-104.

5. The District Legal Services Authorities,
Dindigul.

+ 1 cc TO Mr.S.Muniyandi , Advocate in SR No. 74389

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AE/RP/SAR3/31.07.2018/4P/7C

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

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