



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2018

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMARCrl.O.P.(MD) No.11688 of 2018

P.Vinoth @ Ramakrishnan .. Petitioner/Sole Accused

vs.

1.State rep.by

The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
Crime No.108 of 2018.

...1st Respondent/Complainant

2.Sasikala

.. 2nd Respondent/De-facto
Complainant

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records pertaining to the impugned FIR in Crime No.108 of 2018 dated 25.04.2018 on the file of the 1st Respondent Police and quash the same as illegal.

For Petitioner	:	Mr.S.Sivakumar
For R1	:	Mr.K.K.Ramakrishnan Additional Public Prosecutor
For R2	:	Mr.V.Manikandan

O R D E R

This petition has been filed seeking to quash the FIR in Crime No.108 of 2018 pending on the file of the first respondent police.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.108 of 2018 for the offence under Sections 294(b), 448, 506(ii) IPC, Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 and 4 of the 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, on the ground that both the parties have arrived at a compromise.

3.Today, when the matter was taken up for hearing, Mr.Dhalavai the Special Sub Inspector of Police, Pettai 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 Additional Public Prosecutor



through Mr.Dhalavai the Special Sub Inspector of Police, Pettai Police Station, Tirunelveli District. 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 on 04.06.2018, wherein, it is stated as follows:

"3.It is further submitted that the petitioner as well as the 2nd respondent arrived at compromise and amicably settled the issue. The defacto complainant on her own willingness comes forward for entering into this compromise memo.

4.It is further submitted that both parties have compromised in the matter out of Court and the FIR in Crime No.108 of 2018 pending on the first of the first respondent police has to quash in view of 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 also considering the fact that the petitioner/sole accused and second respondent/defacto complainant have amicably settled issue and the second respondent/defacto complainant has no objection to quash the FIR in Crime No.108 of 2018 and to that effect a memo of compromise has also been filed on 04.06.2018, 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.108 of 2018 pending on the file of the first respondent in respect of the petitioner/sole 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 04.06.2018 shall form part of this order.

8. The learned counsel appearing for the petitioner submitted that the petitioner is willing to pay some amount under the head of "Environment Fund". Hence, the petitioner is directed to remit a sum of Rs.3,000/- in the account, opened in the name of Member Secretary, Tamil Nadu Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order. The said amount shall be collected by the Registry, Madurai Bench of Madras High Court, Madurai, through the Accounts Section and then credited into the Savings Bank Account No.6656485009, Indian Bank, Madras High Court Branch, High Court Buildings, Chennai - 104, [Branch Code - 1632, IFSC Code : IDBI 000M157], maintained by the Member Secretary, Tamil Nadu Legal Services Authority, Chennai. It is needless to say that the said amount shall be used 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].

Sd/-

Assistant Registrar (CS-I))

/True Copy/

Sub Assistant Registrar (CS-III)



To

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

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

3.The Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

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

+1CC TO MR.S.SIVAKUMAR ADVOCATE IN SR.NO.76677.

MJ

DS SKN SAR-3:26.09.2018: 4P/6C

Cr1.O.P.(MD) No.11688 of 2018
01.08.2018