



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Crl.O.P.(MD) No.12287 of 2018

1.Saratha
2.Ramuthai
3.Ramamoorthi
4.Ganesan

.. Petitioners

vs.

1. State rep.by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No.232 of 2018)

2.P.Velraj

.. Respondents

Petition is filed under Section 482 of Code of Criminal Procedure to call for the records relating to the case in Crime No.232 of 2018 on the file of the Inspector of Police, Palanichettypatti Police Station, Theni and quash the same.

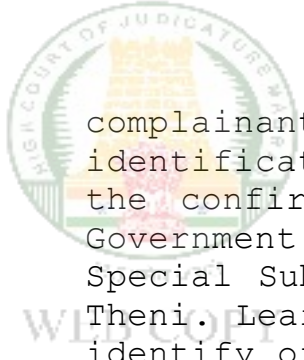
For Petitioners	:	Mr.A.Mithun Chakravarthi
For R1	:	Mr.Prabhu Ramachandran Government Advocate (Crl.Side)
For R2	:	M/s.A.Banumathi

O R D E R

This petition has been filed seeking to quash the case in Crime No.232 of 2018 pending on the file of the Inspector of Police, Palanichettypatti Police Station, Theni.

2.On the complaint lodged by the second respondent herein, the first respondent police has registered a case in Crime No.232 of 2018 for the offence under Sections 294 (b), 323, 342 and 506 (ii) IPC against the petitioners/accused Nos.1 to 4 and in order to quash the same, the petitioners are 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, <https://hservices.ecourts.gov.in/hservices/> Mr.S.Ayyand the Special Sub Inspector of Police, Palanichettypatti Police Station, Theni 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 Mr.S.Ayyanar the Special Sub Inspector of Police, Palanichettypatti Police Station, Theni. 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 on 17.07.2018, wherein, it is stated as follows:

"4.It is humbly submitted that the offences found on an FIR are compoundable offence. There were no injuries to anyone. Further matter had been amicably settled between both parties. The parties were husband and wife and other their relatives. Therefore, the continuation of investigation and proceeding with the case will not provide any good.

5.It is humbly submitted that now the defacto complainant and the petitioners have ready to compound the issue based on the talks hold by elders of the village. Further, on the part of the defacto complainant agreed to withdraw the complaint and also accept without any compulsion agreed for considerations put forth by me and village elders.

Hence, this Hon'ble Court may be pleased to accept this joint memo of compromise and prayed to quash the FIR in Crime No.232 of 2018 on the file of the Inspector of Police, Palanichettypatti Police Station, Theni."

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 second respondent/defacto complainant and first petitioner are husband and wife and other petitioners are relatives and the dispute between them has been settled amicably and the second respondent/defacto complainant has also no objection to quash the case in Crime No.232 of 2018 and to that effect a memo of compromise has been filed on 17.07.2018, 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.232 of 2018 pending on the file of the first respondent in respect of the petitioners/accused Nos.1 to 4 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 17.07.2018 shall form part of this order.



8. The learned counsel appearing for the petitioners submitted that the petitioners are willing to pay some amount under the head of "Environment Fund". Hence, each petitioner is directed to remit a sum of Rs.2,000/- (Total sum of Rs.8,000/-) 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(w)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Member Secretary, Tamil Nadu State
Legal Services Authority, Chennai.

Copy to

The Section Officer,
Account Section,
Madurai Bench of Madras High Court,
Madurai.

MJ

VB/KAK/SAR3/14.08.2018/4P/5C

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