



Crl.O.P.(MD)No.2296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	18.08.2023
Delivered on	29.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.2296 of 2023

1.R.Manikandan
2.A.Balamurugan
3.S.Kaliraj
4.S.Ajithkumar
5.M.Siva

... Petitioners/
Accused 1 to 5

Vs.

1. The Inspector of Police,
Vaniyampatti Vilakku Police Station,
Virudhunagar District.

... Respondent/Complainant

2. E.Balagurusamy

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the Crime No.74 of 2021 pending on the file of the Inspector of Police, Vaniyampatti Police Station, Virudhunagar and quash the same by allowing this petition.



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For Petitioners : Mr.P.Saravanan
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.P.Periyasamy for R1

ORDER

This petition has been filed seeking quashment of First Information Report (FIR) in Crime No.74 of 2021 on the file of the first respondent police.

2. The petitioners/accused 1 to 5 and the defacto complainant are belonging to the same village. On 18.04.2021 at about 7.00 p.m., there was a quarrel between the defacto complainant and the petitioners in the TASMACH shop. As the result of which, the defacto complainant sustained injuries and the petitioners had also damaged the vehicle of the defacto complainant. Therefore, the defacto complainant has lodged a complaint against the petitioners/accused 1 to 5 and a case was registered in Crime No.74 of 2021 against the petitioners for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 and 506(2) of IPC.



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3. It is submitted by the learned counsel for the petitioners/accused 1 to 5 as well as the counsel for the second respondent/defacto complainant that the parties have compromised the disputes between them amicably before the High Court Legal Services Committee attached to this Court and the compromise memo is signed by the parties and by their respective counsel has been filed before this Court. However, the question is whether on the basis of compromise the FIR in Crime No.74 of 2021 registered under Sections 147, 148, 294(b), 323, 324, 427 and 506(2) of IPC can be quashed.

4. As per the directions of this Court, the High Court Legal Services Committee attached to this Court was asked to verify the identities of the defacto complainant and also the accused with reference to the acceptable identity cards like Aadhar Card etc. and also make an informal inquiry as to whether the defacto complainant has been accepting with the compromise voluntarily without any force or coercion. Accordingly, the Officer incharge of the High Court Legal Services Committee/ Registrar (Judicial) has examined the defacto



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complainant and accused persons and ultimately, sent a report that their identities were verified. Further, the accused in this case were charged with the offences under Sections 147, 148, 294(b), 323, 324, 427 and 506(2) of IPC.

5. This incident allegedly happened on account of sudden provocation as the petitioners/accused 1 to 5 and the defacto complainant have allegedly went to the liquor shop.

6. It is submitted that the petitioners/accused 1 to 5 and the defacto complainant are belonging to the same village and there were no disputes between them earlier. Since the alleged incident developed at the spur of the moment in the liquor shop and the offences alleged against the petitioners are also not a grievous in nature, this Court is of the opinion that in order to make the complete justice, the compromise between the petitioners/accused and the defacto complainant can be recorded.

7. In the case of ***Ramgopal and Ors. v. The State of Madhya Pradesh***, reported in ***2021 (6) CTC 240***, the Hon'ble Supreme Court of



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India reiterated the exercise of powers under Section 482 of the Code of Criminal Procedure to quash the criminal proceedings in respect of non-compoundable offences. The relevant paragraphs read as under:-

"18. It is now a well crystalized axiom that plenary jurisdiction of this Court to impart complete justice under Article 142 cannot *ipso facto* be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to Section 482 Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under Article 142 of the Constitution embraces this Court with scopious powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the overarching objective of sentencing in the criminal justice system, which is grounded on the sub-lime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

19. We thus sumup and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by



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the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

8. In view of the aforesaid judgments and also the settlement arrived between the parties, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.74 of 2021 pending on the file of the first respondent police.



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9. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.74 of 2021, pending on the file of the first respondent police is hereby quashed. The settlement agreement is recorded and the same shall form part of this order.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Inspector of Police,
Vaniyampatti Vilakku Police Station,
Virudhunagar District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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Dated: 29.08.2023