



Crl.O.P.(MD)No.12609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	03.08.2023
Delivered on	10.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.12609 of 2023

- 1.Mohamed Abdul Kathar
- 2.Jesima @ Thangarani @
Jesima Firdous Beevi
- 3.Marsooka @ Ayisathumarsuka Begum
- 4.Kathija Beevi @ Hathija Beevi
- 5.Raguma Beevi
- 6.Samina @ Sameena Parveen

... Petitioners/Accused Nos.1 to 6

Vs.

1. The State represent through the
Inspector of Police,
AWPS, Keelakarai,
Ramanathapuram District.
Crime No.03 of 2023.

... 1st Respondent/
Complainant

2. Luthubia Begum

... 2nd Respondent/
Defacto Complainant



Crl.O.P.(MD)No.12609 of 2023

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records connected to the impugned First Information Report in Crime No.3 of 2023 pending on the file of the first respondent police and quash the same.

For Petitioners : Mr.C.R.M.Prabhu

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.S.Praveen Kumar for R2

ORDER

This petition has been filed seeking quashment of First Information Report (FIR) in Crime No.3 of 2023 on the file of the first respondent police.

2. The case of the prosecution is that on a complaint given by the second respondent/defacto complainant, the first respondent police have registered a case in Crime No.03 of 2023 against the petitioners for the offences punishable under Sections 498(A) and 506(2) of IPC.

3. It is submitted by learned counsel for the petitioners as well as the second respondent/defacto complainant that the parties have



Crl.O.P.(MD)No.12609 of 2023

compromised the issue between them amicably before the Mediation and Conciliation Centre attached to this Court. The settlement agreement duly signed by the parties and also by their respective counsel has been filed before this Court.

4. 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 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 crystallized 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



CrI.O.P.(MD)No.12609 of 2023

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 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."



Crl.O.P.(MD)No.12609 of 2023

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5. It is further submitted that petitioners and the defacto complainant have compromised the issue between them amicably before the Mediation and Conciliation Centre attached to this Court. The settlement agreement duly signed by the parties and by their respective counsel has been filed before this Court.

6. Considering the above, no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.03 of 2023 pending on the file of the first respondent police.

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.03 of 2023, pending on the file of the first respondent police is hereby quashed. The compromise memo is recorded and the same shall form part of this order.

10.08.2023

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



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Crl.O.P.(MD)No.12609 of 2023



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CrI.O.P.(MD)No.12609 of 2023

DR.D.NAGARJUN,J

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To

1. TInspector of Police,
AWPS, Keelakarai,
Ramanathapuram District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.12609 of 2023

Dated: 10.08.2023