



*Crl.O.P.(MD)Nos.9933 of 2020
and 5130 & 7326 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)Nos.9933 of 2020 and 5130 & 7326 of 2023

Crl.O.P.(MD) No.9933 of 2020:

Madhu

... Petitioner/
Accused

Vs.

1. The Inspector of Police,
Theni Police Station,
Theni District.

... Respondent/Complainant

2. Preetharani

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to C.C.No.136 of 2020 pending on the file of the learned Judicial Magistrate Court, Periyakulam, Theni District and quash the same by allowing this petition.



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For Petitioner : Mr.R.Anand
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.C.Susikumar for R2

Crl.O.P.(MD) No.5130 of 2023:

1.T.Leelavathi
2.T.Madhu
3.Ranjani @ Sudha Ranjani

... Petitioners/
Accused 2 to 4

Vs.

1. The Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.11 of 2020)

... Respondent/Complainant

2. Jeyaraj

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to C.C.No.177 of 2019 pending on the file of the learned Judicial Magistrate Court, Periyakulam, Theni District and quash the same by allowing this petition.

For Petitioners : Mr.R.Anand
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1

Crl.O.P.(MD) No.7326 of 2023:



*Crl.O.P.(MD)Nos.9933 of 2020
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1.Raja
2.Jeyaraj
3.Laurance @ Udhayakumar

... Petitioners/
Accused 1 to 3

Vs.

1. The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.10 of 2020)

... Respondent/Complainant

2. Madhu

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to C.C.No.179 of 2020 pending on the file of the learned Judicial Magistrate Court, Periyakulam, Theni District and quash the same by allowing this petition.

For Petitioners : Mr.C.Susikumar

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.R.Maheswaran for R2

COMMON ORDER



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These Criminal Original Petitions are filed seeking for quashment of charge sheets in C.C.No.136 of 2020, C.C.No.177 of 2019 and C.C.No.179 of 2020 on the file of the learned Judicial Magistrate, Periyakulam and Theni.

2. The FIR was registered on a complaint made by the second respondent/defacto complainant in Crl.O.P.No.9933 of 2020 stating that she was receiving obscene messages from a particular mobile number of the petitioner, who is one of the family members of the defacto complainant. When the said incident was questioned by the defacto complainant, the petitioner abused her and thereby she lodged a complaint before the first respondent police. Consequential to this dispute, case and counter cases have been filed before the first respondent police and all the cases are taken on file before the learned Judicial Magistrate, Theni in C.C.No.136 of 2020 for the offences under Sections 294(b), 354D of IPC; C.C.No.177 of 2019 for the offences under Sections 341, 506(i) of I.P.C against the petitioners 2 and 4 and Sections 341, 325 and 506(i) of IPC against the third petitioner; and whereas C.C.No.179 of 2020 for the offences punishable under Sections



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294(b), 323, 324 and 506(i) of IPC was taken on file of learned Judicial Magistrate, Periyakulam.

3. It is submitted by the learned counsel for the petitioners/accused 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 joint compromise memos are signed by the parties and by their respective counsel have been filed before this Court.

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 complainant and accused persons and ultimately, sent a report that their



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identities were verified.

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5. A joint compromise memo dated 31.07.2023 has been filed by the parties in respect of Crl.O.P.(MD) No.9933 of 2020 wherein in paragraph No.2 of the joint compromise memo the second respondent/defacto complainant has stated as follows:-

"2. The petitioner and the 2nd respondent would jointly submit that admittedly they are close relatives and after the case has been taken on file, there had been an intervention by the elders and other family members, in which both of them have been appropriately advised, as a result of which, the petitioner and the 2nd respondent thought over the present subject matter and finally decided to purchase peace by the way of withdrawing all the proceeding pending between them."

6. A joint compromise memo dated 24.07.2023 has been filed by the parties in respect of Crl.O.P.(MD) No.7326 of 2023 wherein in paragraph No.2 of the joint compromise memo the second



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respondent/defacto complainant has stated as follows:-

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"2. The petitioner and the 2nd respondent would jointly submit that admittedly they are close relatives and after the case has been taken on file, there had been an intervention by the elders and other family members, in which both of them have been appropriately advised, as a result of which, the petitioner and the 2nd respondent thought over the present subject matter and finally decided to purchase peace by the way of withdrawing all the proceeding pending between them."

7. A joint compromise memo dated 24.07.2023 has been filed by the parties in respect of Crl.O.P.(MD) No.5130 of 2023 wherein in paragraph No.2 of the joint compromise memo the second respondent/defacto complainant has stated as follows:-

"2. The petitioner and the 2nd respondent would jointly submit that admittedly they are close relatives and after the case has been taken on file, there had been an intervention by the elders and other family members, in which both of them have been appropriately advised, as a result of which, the petitioner and the 2nd



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respondent thought over the present subject matter and finally decided to purchase peace by the way of withdrawing all the proceeding pending between them."

8. It is submitted that the parties in these petitions are close relatives and that at the intervention of elders and family members the parties have resolved their disputes between them amicably. It is also stated that the parties are willing to withdraw all the pending proceedings between them. Therefore, 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.

9. 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:-



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"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 the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extraordinary power enjoined upon a High Court under Section



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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."

10. In view of the above and on considering the settlement arrived among 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 C.C.No.136 of 2020, C.C.No.177 of 2019 on the file of the learned Judicial Magistrate, Theni and the proceedings in C.C.No.179 of 2020 on the file of the learned Judicial Magistrate, Periyakulam.



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11. In the result, these Criminal Original Petitions are allowed and the entire proceedings in C.C.No.136 of 2020, C.C.No.177 of 2019 on the file of the learned Judicial Magistrate, Theni and the proceedings in C.C.No.179 of 2020 on the file of the learned Judicial Magistrate, Periyakulam are hereby quashed. The compromise memos are recorded and the same shall form part of this order.

14.09.2023

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



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DR.D.NAGARJUN,J

PKN/mvs.

To

1. The Inspector of Police,
Theni Police Station,
Theni District.
2. The Inspector of Police,
Thenkarai Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Dated: 14.09.2023