



Crl.O.P.(MD)No.10547 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	10.08.2023
Delivered on	14.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.10547 of 2023

Sathiyasekaran

... Petitioner/
Accused

Vs.

1. The Inspector of Police,
All women Police Station,
Paramakudi,
Ramanathapuram District.

... Respondent/Complainant

2. Vinothini

... 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.4 of 2023 pending on the file of the first respondent against the petitioners and quash the same by allowing this petition.

For Petitioners : Mr.E.Senthil Nathan

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1
Mr.M.Krishna Sreethar for R2



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ORDER

This petition has been filed seeking quashment of First Information Report (FIR) in Crime No.4 of 2023 on the file of the first respondent police.

2. The case of the prosecution is that the petitioner is a professor of the Government Arts College, Paramakudi wherein the defacto complainant is a student. It is alleged that on 10.02.2023, the petitioner called one of the students over mobile phone and abused her as well as the defacto complainant and the same was recorded thereby basing on a complaint given by the defacto complainant a case was registered in Crime No.4 of 2023 against the petitioner for the offences punishable under Sections 294(b), 354A and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000.

3. It is submitted by the learned counsel for the petitioner/accused as well as the counsel for the second respondent/defacto complainant that



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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.4 of 2023 registered under Sections 294(b), 354A and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000 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 complainant and accused persons and ultimately, sent a report that their identities were verified. Further, the accused in this case were charged



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with the offences under Sections 294(b), 354A and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000.

5. A joint compromise memo dated 01.06.2023 has been filed by the parties wherein in paragraph No.2 of the joint compromise memo it is stated as follows:-

"2. The petitioner submit that while pending the investigation, the petitioner and the 2nd respondent compromised the matter at the instance of college employees. Now the 2nd respondent is do not want to proceed with the case against the petitioner."

6. Since the defacto complainant is not willing to proceed with the case and that both the parties have compromised the issue between them amicably, this Court is of the opinion that in order to make the complete justice, the compromise between the petitioner/accused and the defacto complainant can be recorded.



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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 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.



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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."

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



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quash all further proceedings in Crime No.4 of 2023 pending on the file of the first respondent police.

9. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.4 of 2023, pending on the file of the first respondent police is hereby quashed. The joint compromise memo is recorded and the same shall form part of this order.

14.09.2023

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

To

1. The Inspector of Police,
All women Police Station,
Paramakudi,
Ramanathapuram 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: 14.09.2023