



Crl.O.P.(MD)No.10832 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	01.09.2023
Delivered on	12.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.10832 of 2023

- 1.Palanivel
- 2.Mookandi
- 3.Shanmugasundari
- 4.Vasanthi
- 5.Muthulakshmi
- 6.Prasanna
- 7.Mariammal @ Alageshwari
- 8.Amsu @ Amsalakshmi

... Petitioners/
Accused Nos. 1 to 8

Vs.

1. The State represent through the
Inspector of Police,
All Women Police Station,
Virudhunagar District.
Crime No.12 of 2019.

2. Azhagumari

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the proceedings in C.C.No.10 of 2022 on the file of the learned Judicial



CrI.O.P.(MD)No.10832 of 2023

Magistrate II, Virudhunagar and quash the same.

WEB COPY

For Petitioners : Ms.Prokodi Karnan
for M/s.Polax Legal Solutions

For Respondents : Mr.E.Antony Sahaya Prabahar
Addl. Public Prosecutor
for R1
Mr.R.Karunanidhi for R2

ORDER

This petition has been filed seeking quashment of C.C.No.10 of 2022 on the file of the learned Judicial Magistrate II, Virudhunagar.

2. The case of the prosecution is that due to the matrimonial dispute, the respondents police have registered a case in Crime No.12 of 2019 for the offences punishable under Sections 406, 498(A), 506(i) of IPC and the same was taken on file in C.C.No.10 of 2022 on the file of the learned Judicial Magistrate II, Virudhunagar.

3. It is further submitted by the learned counsel for the petitioners as well as the third respondent/defacto complainant that the parties have compromised the disputes between them amicably before the Mediation



Crl.O.P.(MD)No.10832 of 2023

and Conciliation Centre attached to this Court and the settlement agreement duly signed by the parties and also by their respective counsel has been filed before this Court. However, the question is whether this Court can permit the petitioners to compromise and basing on such compromise, whether the criminal proceedings against the petitioner can be quashed.

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 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



Crl.O.P.(MD)No.10832 of 2023

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 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



Crl.O.P.(MD)No.10832 of 2023

and after the occurrence of the purported offence and/or other relevant considerations."

WEB COPY

5. As per the directions of this Court, the Mediation and Conciliation Centre 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 Deputy Registrar (Lok Adalat) has examined the defacto complainant and accused persons and ultimately, sent a report that their identities were verified. Considering the above, this Court is satisfied with the requirement mentioned in the report.

6. It is submitted by the learned counsel for the parties that the first petitioner and the defacto complainant are not interested in pursuing their matrimonial life and therefore mutually agreed to depart their ways and that the articles belonging to each party are handed over to the respective parties. Considering the submissions made by the parties, this Court is of the opinion that in order to make the complete justice, the compromise



Crl.O.P.(MD)No.10832 of 2023

between the petitioners and defacto complainant can be recorded.

WEB COPY

7. In view of the aforesaid judgment and also the settlement arrived between the parties, this Court is of the opinion that no useful purpose would be served by keeping the matter pending and inclined to quash all further proceedings in C.C.No.10 of 2022 on the file of the learned Judicial Magistrate II, Virudhunagar.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.10 of 2022 on the file of the learned Judicial Magistrate II, Virudhunagar, are hereby quashed. The settlement agreement is recorded and the same shall form part of this order.

12.09.2023

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



Crl.O.P.(MD)No.10832 of 2023

WEB COPY

- To
1. The Inspector of Police,
All Women Police Station,
Virudhunagar District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.10832 of 2023

DR.D.NAGARJUN,J

PKN

Crl.O.P.(MD)No.10832 of 2023

Dated: 12.09.2023