



Crl.O.P.(MD)No.14322 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.14322 of 2021

and

Crl.M.P.(MD)Nos.7495 & 7496 of 2021

1.Palanimuthu

2.Kamatchi

3.Theeba

4.Janaki

5.Sankarsubbu

... Petitioners

Vs.

1.The State by

The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.Crime No.10 of 2019)

2.Kiruthika

3.Manikandan

... Respondents

(R3 suo motu impleaded as per order of this Court dated 24.09.2021 in
Crl.O.P.(MD)No.14322 of 2021)



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.95 of 2019 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi and quash the same in so far as the petitioners are concerned.

For Petitioners : Mr.D.Venkatesh
For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. Side)
For R2 : Mrs.M.Parameswari
For R3 : Mr.T.Lenin Kumar

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.95 of 2019 on the file of the Principal District Munsif cum Judicial Magistrate, Karaikudi and quash the same in so far as the petitioners are concerned.

2.Both side counsel present and represented that the matter has been settled between the parties to that effect, they also filed compromise memo. The petitioners, the second respondent/defacto complainant, the



third respondent and the parents of the second respondent/defacto complainant are present before this Court.

3.The learned counsel appearing for the petitioners has produced judgment of the Hon'ble Supreme Court of India in a case of Gian Singh Vs. State of Punjab and Another, wherein, Hon'ble Supreme Court held as follows:-

57.The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the



nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete



settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

4.In view of the above judgment and compromise memo filed by both sides, the proceedings in C.C.No.95 of 2019 is quashed. At this juncture, the learned counsel appearing for the petitioners brought to the knowledge of this Court that initially the case was pending before the Principal District Munsif cum Judicial Magistrate, Karaikudi in C.C.No. 95 of 2019. Thereafter, separate Judicial Magistrate Court was formed and now case is pending in C.C.No.1057 of 2022 on the file of the Judicial Magistrate, Karaikudi.



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5.In view of the above, the proceedings in C.C.No.1057 of 2022 on the file of the Judicial Magistrate, Karaikudi is quashed as against the petitioners herein. Accordingly, this criminal original petition is allowed. The compromise memo filed by the parties shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

27.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District Munsif cum Judicial Magistrate, Karaikudi
- 2.The Judicial Magistrate, Karaikudi.
- 3.The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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