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Crl.O.P.(MD)No.12097 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.12097 of 2023

Chandran

... Petitioner

Vs.

1.State rep.by

The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.269 of 2021.

2.Malarvizhi

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in C.C.No. 482 of 2022 on the file of the Judicial Magistrate, Paramakudi and quash the same.

For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.S.S.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking quashment of charge sheet in C.C.No.482 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, which is registered against the petitioner/accused for the offence punishable under Sections 294(b),



354A(2) of IPC and 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998.

2. During the course of submission, learned counsel for the petitioner submitted that subsequent to filing of charge sheet, the matter has been settled between the defacto complainant and the petitioner/accused and both of them have filed a memo of compromise, thereby, requested the Court to record the memo of compromise.

3. Considering the submissions made above, this Court directed the Officer in-charge of the High Court Legal Services Committee to verify the identity of the defacto complainant and the accused persons with the aid of Aadhar card or any other recognized identity cards and also ensure that the latest photograph of the defacto complainant and the accused is affixed on the memo of compromise. Further, the respondent/police were also directed to be present and identified the defacto complainant and accused. After establishing identity, the Officer in-charge was directed to inquire, informally, as to whether there is any force or coercion on either of the parties compelling them to compromise and send the report by 26.07.2023.



4. Accordingly, the Officer in-charge of the High Court Legal Services Committee, has submitted a report dated 20.07.2023 that as per the directions of this Court, the petitioners and the defacto complainant were identified with their photographs and Aadhaar cards and accordingly, obtained signatures from both of them. Both the parties were enquired by the Officer in-charge

5. 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.

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."



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6. Since the petitioner and the defacto complainant who has given a complaint against the petitioner, have filed a joint compromise memo dated 05.07.2023 stating that the matter has been amicably settled between them, no useful purpose will be served by keeping the matter pending. Therefore, this Court is inclined to quash the proceedings in C.C.No.482 of 2022 on the file of the learned Judicial Magistrate, Paramakudi, in respect of the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. The compromise memo filed by the petitioner and the second respondent dated 05.07.2023 is recorded and the terms of joint compromise memo shall form part of this order.

Index : Yes/No
Internet : Yes/No
ssb

26.07.2023

To

- 1.The Inspector of Police,
Chatrakudi Police Station,
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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