



CrI.O.P.(MD) No.12761 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.09.2023

PRONOUNCED ON : 29.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.12761 of 2023

1.Joseph Jeyapaul

2.Kulanthai Arunkumar

... Petitioners

Vs.

1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No.78 of 2023

2.Siluvai Muthu

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned charge sheet in CC.No.1214 of 2023 pending on the file of the learned Judicial Magistrate, Karaikudi and quash the same.

For Petitioners : Mr.A.Balaji



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For R1 : Mr.SS.Madhavan
Government Advocate (Crl.side)

For R2 : Mr.Saranya Chidambaram

ORDER

This Criminal Original Petition has been filed seeking quashment of the charge sheet in CC.No.1214 of 2023 pending on the file of the learned Judicial Magistrate Court No.III, Tirunelveli.

2.The case of the prosecution is that on a complaint given by the second respondent/defacto complainant, the first respondent police have registered a case in Crime No.78 of 2023 against the petitioners for the offences punishable under Sections 294(b), 427 and 506(i) of IPC and after completion of investigation, the respondent police have filed the charge sheet and the same was taken on file as CC.No.1214 of 2023 by the learned Judicial Magistrate Court No.III, Tirunelveli.

3. It is submitted by learned counsel for the petitioners as well as the second respondent/defacto complainant that the parties have compromised the issue between them amicably before the Mediation and Conciliation Centre



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attached to this Court. The settlement agreement duly signed by the parties and also by their respective counsel has been filed before this Court.

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 crystallized 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



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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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5. It is further submitted that petitioners and the defacto complainant have compromised the issue between them amicably before the Mediation and Conciliation Centre attached to this Court. The settlement agreement duly signed by the parties and by their respective counsel has been filed before this Court.

6. Considering the above, no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in CC.No.1214 of 2023 pending on the file of the learned Judicial Magistrate Court No.III, Tirunelveli.

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in CC.No.1214 of 2023 pending on the file of the learned Judicial Magistrate Court No.III, Tirunelveli, is hereby quashed. The compromise memo is recorded and the same shall form part of this order.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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29.09.2023

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To

- 1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli 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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order made in
Crl.O.P.(MD)No.12761 of 2023

29.09.2023