



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	21.08.2023
Delivered on	11.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)Nos.12864 and 12589 of 2023

Crl.O.P(MD) No.12864 of 2023

A.Selvam

... Petitioner

Vs.

1. The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai.
Crime No.1876 of 2020.

... Respondent/Complainant

2. R.Vinothkumar

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No. 1553 of 2022 on the file of Judicial Magistrate No.II, Madurai District and quash the same as illegal.



WEB COPY



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

For Petitioners : Mr.P.Kannan
for M/s.Spicy Law Firm

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1

Crl.O.P(MD) No.12589 of 2023

R.Vinothkumar ... Petitioner

Vs.

1. The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai.
Crime No.1875 of 2020.

... Respondent/Complainant

2.A.Selvam

... 2nd Respondent/Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to C.C.No. 403 of 2022 on the file of Judicial Magistrate No.II, Madurai District and quash the same as illegal.

For Petitioners : Mr.C.Susikumar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R1



WEB COPY



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

COMMON ORDER

These Criminal Original Petitions have been filed seeking quashment of C.C.Nos.1553 and 403 of 2022 on the file of Judicial Magistrate Court No.II, Madurai, which has been registered against the petitioners for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC.

2. Since both the Criminal Original Petitions are arising out of the same incident, this Court took up the these petitions together for consideration.

3. The contention of the petitioners is that the petitioners are the vendors in the vegetable market at Mattuthavani and in respect of getting back the documents pertaining to a civil suit which is stated to be pending before the civil Court, both the petitioners had quarrelled and abused each other and thereby a case and counter case were registered against both the petitioners by the first respondent police in Crime Nos. 1875 and 1876 of 2020 for the offences punishable under Sections



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

294(b), 323, 324 and 506(2) of IPC, respectively.

WEB COPY

4. It is further submitted by the learned counsel for the petitioners that the petitioner in Crl.O.P.(MD) No.12589 of 2023 has compromised the disputes with the defacto complainant amicably before the Mediation and Conciliation Centre and the petitioner in Cr.O.P.(MD) No.12864 of 2023 has comprised the disputes with the defacto complainant amicably before the High Court Legal Services Committee attached to this Court and the settlement agreements 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 cases against the petitioners in Crime Nos.1875 and 1876 of 2020 can be quashed.

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:-



WEB COPY



CrI.O.P.(MD)Nos.12864 and 12589 of 2023

"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



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

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."

6. The High Court Legal Services Committee attached to this Court was directed to verify the identities of the defacto complainant and 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 for compromise voluntarily. Accordingly, the Officer incharge of the High Court Legal Services Committee/ Registrar (Judicial) sent a report after verifying their identities.



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

7. It is submitted that the petitioners/accused are vendors in the same vegetable market and the dispute arose when the petitioners/accused demanded the documents pertaining to a civil suit which is stated to be pending before the civil Court and thereby exchange of words have taken place. The petitioners are neighbours and the alleged incident developed at the spur of the moment and the offence alleged against the petitioners is also not a grievous in nature and both case and counter cases are being settled, this Court is of the opinion that in order to make the complete justice, the compromise between the petitioners can be recorded.

8. In view of the settlement arrived between the parties, this Court is of the opinion that no useful purpose will be served by keeping the matters pending and inclined to quash all further proceedings in Crime Nos.1875 and 1876 of 2020 pending on the file of the first respondent police.

9. In the result, these Criminal Original Petition is allowed and the entire proceedings in C.C.Nos.1553 and 403 of 2022 pending on the file



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

of Judicial Magistrate Court No.II, Madurai, including FIRs in Crime Nos.1875 and 1876 of 2020, pending on the file of the first respondent police are hereby quashed. The compromise memo is recorded and the same shall form part of this order.

11.09.2023

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



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

To

WEB COPY

1. The Sub Inspector of Police,
Thilagar Thidal Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)Nos.12864 and 12589 of 2023

DR.D.NAGARJUN,J

PKN

Crl.O.P.(MD)Nos.12864 and 12589 of 2023

Dated: 11.09.2023