



Crl.O.P.(MD)No.13910 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	28.08.2023
Delivered on	11.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.13910 of 2023

1.A.N.Jafri @ Mohamed Jifri
2.M.Fasil @ Mohamed Fazil
3.A.Sahubar Sathik @ Sahubar
4.A/Mohamed Sirajudeen @ Hirajali

... Petitioners/
Accused 1 - 4

Vs.

1. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.

... 1st Respondent/
Complainant

2. K.Kumar Raja

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the FIR in Crime No.55 of 2018 on pending before the first respondent police (The Inspector of India, Thondi Police Station, Ramanathapuram District) and quash all the further proceedings as against the petitioners.



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Crl.O.P.(MD)No.13910 of 2023

For Petitioners : Mr.K.Ramanathan
For Respondents : Mr.SS, Madhavan
Government Advocate (Crl. Side)
for R1
Mr.A.Alexander for R2

ORDER

This petition has been filed seeking quashment of FIR in Crime No.55 of 2018 pending on the file of the first respondent.

2. The case of the prosecution is that the petitioners and the brother of the defacto complainant are friends and due to money dispute, quarrel erupted between them and thereby on 12.05.2018, the petitioners had allegedly set fire on the two-wheeler of the brother of the defacto complainant. Basing on a complaint given by the defacto complainant a case was registered against the petitioners in Crime No.55 of 2018 for the offences punishable under Sections 147, 294(b), 506(1) and 435 of IPC, by the first respondent police.

3. It is submitted by the learned counsel for the petitioners/accused 1 to 4 as well as the second respondent/defacto complainant that the



Crl.O.P.(MD)No.13910 of 2023

parties have compromised the disputes between them amicably before the High Court Legal Services Committee 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 case against the petitioner in Crime No.55 of 2018 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



Crl.O.P.(MD)No.13910 of 2023

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



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Crl.O.P.(MD)No.13910 of 2023

the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

5. 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. The accused in this case was charged with the offences under Crime No.55 of 2018 for the offences punishable under Sections 147, 294(b), 506(1) and 435 of IPC. The alleged incident has taken place in a spur of moment without any intention. The petitioners and the brother of the defacto complainant are friends belong to the same locality. It is reported that in the intervention of the village elders and family members of both sides, the petitioners and the defacto complainant have settled their disputes amicably and now they are maintaining a good relationship between them. When both parties are coming together to resolve the



Crl.O.P.(MD)No.13910 of 2023

disputes amicably and wanted to compromise the criminal case and when it is not on account of coercion and undue influence, this Court is of the opinion that the compromise can be recorded in order to meet the complete justice. Accordingly, this compromise is recorded.

6. In view of the the settlement arrived between the parties, this Court is of the opinion that no useful purpose will be served by keeping the matter pending and inclined to quash all further proceedings in Crime No.55 of 2018 pending on the file of the first respondent police.

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.55 of 2018 pending on the file of the first respondent police is 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)No.13910 of 2023

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To

1. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.13910 of 2023

DR.D.NAGARJUN,J

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CrI.O.P.(MD)No.13910 of 2023

Dated: 11.09.2023