



Crl.O.P.(MD)No.13114 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	27.09.2023
Delivered on	29.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.13114 of 2023

Pandi

... Petitioner /
Accused No.2

Vs.

1. State rep. by The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
(Crime No.94/2013)

... 1st Respondent/
Complainant

2. Selvaraj

... 2nd Respondent /
Defacto complainant

PRAYER:Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in S.C.No.176 of 2022 on the file of the Principal District and Sessions Court, Pudukkottai and quash the same.

For Petitioner : Mr.D.Ramesh Kumar

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

For R2 : Mr.P.Balasubramanian



Crl.O.P.(MD)No.13114 of 2023

ORDER

WEB COPY

This petition has been filed seeking quashment of charge sheet in S.C.No.176 of 2022 pending on the file of the Principal District and Sessions Court, Pudukkottai.

2. The case of the prosecution is that the 1st accused said to have caused damage to the thatched shed put up in front of the house of the defacto complainant, for which, he questioned the 1st accused. Due to such motive, the 1st accused and the petitioner and other accused set fire to the said thatched shed and two wheeler and on a complaint given by the defacto complainant, a case has been registered by the respondent police in Crime No.94 of 2013, for the offences punishable under Sections 436 IPC and after investigation, charge sheet is filed for the offences under Sections 436 IPC and Section 3(1) of PPD Act.

3. It is submitted by the learned counsel for the petitioner/accused No.2 that the parties have compromised the disputes between them amicably before the High Court Legal Services Committee attached to this Court and the settlement agreement was also duly signed by the



Crl.O.P.(MD)No.13114 of 2023

parties and also by their respective counsel has been filed before this Court and thereby sought for quashing the FIR on the basis of compromise.

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 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



Crl.O.P.(MD)No.13114 of 2023

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."



Crl.O.P.(MD)No.13114 of 2023

WEB COPY

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.

6. It is stated by learned counsel for the parties that at the intervention of family members and elders of both parties, the dispute between the petitioner / accused and the second respondent/defacto complainant has been settled amicably.

7. Considering the fact that the petitioner and the second respondent/defacto complainant have settled their disputes amicably, this Court is of the opinion that no useful purpose will be served by keeping



Crl.O.P.(MD)No.13114 of 2023

the matter pending in order to make the complete justice, the compromise between the petitioner/accused No.2 and the defacto complainant can be recorded thereby inclined to quash all further proceedings in S.C.No.176 of 2022 pending on the file of the Principal District and Sessions Court, Pudukkottai.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in S.C.No.176 of 2022 pending on the file of the Principal District and Sessions Court, Pudukkottai is hereby quashed. The compromise memo is recorded and the same shall form part of this order.

29.09.2023

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

Yuva



Crl.O.P.(MD)No.13114 of 2023

WEB COPY

- To
1. The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
 2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.13114 of 2023

DR.D.NAGARJUN,J

Yuva

Crl.O.P.(MD)No.13114 of 2023

Dated: 29.09.2023