



Crl.O.P.(MD)No.13983 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	29.08.2023
Delivered on	11.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.13983 of 2023

Sudha

... Petitioner

Vs.

1. The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.778/2015)

... 1st Respondent/
Complainant

2. V.Pushpa Latha

... 2nd Respondent /
Defacto complainant

3.Prema

... 3rd Respondent /
Victim

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the FIR in Crime No.778 of 2015 dated 25.06.2015 pending on the file of the first respondent police and quash the same.



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For Petitioners : Mr.R.Shankar Ganesh
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed seeking quashment of First Information Report (FIR) in Crime No.778 of 2015 on the file of the first respondent police.

2. The contention of the petitioner is that due to the previous enmity between the petitioner and the defacto complainant, a false case was foisted against the petitioner in Crime No.778 of 2015 for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC.

3. It is further submitted by the learned counsel for the petitioner/accused as well as the second respondent/defacto complainant 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 duly signed by the parties and also by their



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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.778 of 2015 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 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



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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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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. According to the learned counsel for the petitioner, even if the contents of FIR are accepted to be true, there are no grounds to hold that the petitioner has committed the offences under 294(b), 324 and 506 (ii) of IPC. It is alleged by the petitioner even if the charge sheet contents are accepted to be true still offence under Section 294(b) of IPC cannot be fastened to the facts of this case as the offence allegedly took place not in public view. Similarly, so far as offence under Section 506(ii) of IPC is concerned, according to the petitioner there was no intention on the part of the defacto complainant to intimidate the petitioner criminally and



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finally, in respect of offence under Section 324 of IPC, it is submitted that there is no material that the defacto complainant has suffered injuries in the hands of the petitioner. Therefore, even basing on the merits also the petitioner has a case. Further, the offences alleged against the petitioner are not also grievous in nature and they are also not the offences affecting the society, in fact, these offences took place on account of sudden provocation. However, defacto complainant and the petitioner are coming forward to settle their disputes amicably. In case if trial is conducted, the defacto complainant and others required to appear before the Court to give evidence against the petitioner thereby irrespective of the fact whether the petitioner or the defacto complainant, the animosity between them will continue. When both parties are coming together to resolve the 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 meed the complete justice. Accordingly, this compromise is recorded.



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7. 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. 778 of 2015 pending on the file of the first respondent police.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in Crime No.778 of 2015, 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

To

1. The Inspector of Police,
Tallakulam Police Station,
Madurai 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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Dated: 11.09.2023