



Crl.O.P.(MD)No.13383 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.13383 of 2023

1.Giriprasath
2.Rajamohan
3.Selvarani
4.Lalithabharani
5.Kalaivanan

... Petitioners/
Accused 1 to 5

Vs.

1. The Inspector of Police,
All Women Police Station,
Dindigul, Dindigul District.
(Crime No.4/2016)

... 1st Respondent/
Complainant

2. Sathyapriya

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in C.C.No.42 of 2017 on the file of learned Additional Mahila Court, Dindigul, Dindigul



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District and quash the same.

For Petitioners : Mr.S.Balaji

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

ORDER

This petition has been filed seeking quashment of C.C.No.42 of 2017 pending on the file of learned Additional Mahila Judge, Dindigul.

2. It is submitted by the learned counsel for the petitioner that pursuant to the matrimonial dispute, a complaint was given by the second respondent/defacto complainant and thereby, the first respondent police have registered a case in Crime No.4 of 2016 on 03.02.2016, for the offences punishable under Sections 341, 498(A), 406 of IPC and Section 4 of the Dowry Prohibition Act, 1961 and Section 4 of TNPHW Act and the same was taken on file in C.C.No.42 of 2017 before the learned Additional Mahila Judge, Dindigul District.

3. It is submitted by the learned counsel for the petitioners/accused 1 to 5 as well as the second respondent/defacto complainant that the



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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 parties and also by their respective counsel has been filed before this Court and thereby sought for quashing the charge sheet 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



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



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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. The accused in this case were charged with the offences under Sections 341, 498(A), 406 of IPC and Section 4 of the Dowry Prohibition Act, 1961 and Section 4 of TNPHW Act. The first petitioner and the defacto complainant had amicably settled the issue between them and entered into a deed of cancellation of the marriage on 03.01.2017 thereby in order to dissolve their marriage, they have filed H.M.O.P. No.13 of 2017 before the learned Judge, Sub Court, Palani and same was allowed.



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7. Considering the fact that the first petitioner and the second respondent/defacto complainant have settled their disputes with the intervention of elders and have agreed to withdraw the criminal cases pending against them, this Court is of the opinion that no useful purpose will be served by keeping the matter pending in order to make the complete justice, the compromise between the petitioners/accused 1 to 5 and the defacto complainant can be recorded thereby inclined to quash all further proceedings in C.C.No.42 of 2017 pending on the file of learned Additional Mahila Judge, Dindigul District.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.42 of 2017 pending on the file of learned Additional Mahila Judge, Dindigul District, is hereby quashed. The settlement agreement is recorded and the same shall form part of this order.

11.09.2023

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



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To

1. The Inspector of Police,
All Women Police Station,
Dindigul, Dindigul 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