



Crl.O.P.(MD)No.14427 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	30.08.2023
Delivered on	13.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.14427 of 2023
and
C.R.L.M.P.(MD) No.11371 of 2023

1.Kandhaiah
2.Kethirapaul
3.Vallithai

... Petitioners/
Accused 1 to 3

Vs.

1. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.

... 1st Respondent/
Complainant

2. Krishnan

... 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.212 of 2019 pending before the first respondent police and quash all the further proceedings as against the petitioners.



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For Petitioners : Mr.M.S.Jeyakarthik
For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed seeking quashment of FIR in Crime No.212 of 2019 pending on the file of the first respondent police.

2. The case of the prosecution is that the petitioners and the defacto complainant belonging to the same family and that the alleged dispute is stated to have taken place on account of the partition of the properties belonging to the same family thereby the petitioners allegedly attacked the defacto complainant and threatened with dire consequences. Basing on a complaint given by the defacto complainant a case was registered against the petitioners in Crime No.212 of 2019 for the offences punishable under Sections 109, 294(b), 307, 342 and 506(ii) IPC, by the first respondent police.



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3. It is submitted by the learned counsel for the petitioners/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 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.212 of 2019 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



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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 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



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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."

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.212 of 2019 for the offences punishable under Sections 109, 294(b), 307, 342 and 506(ii) IPC. The alleged incident has taken place in a spur of moment without any intention. In the present case, the petitioners and the defacto complainant are belonging to one family. It is reported that in the intervention of the family members of both sides, the petitioners and the defacto complainant have settled their disputes



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amicably and now they are maintaining a good relationship between them. 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 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.212 of 2019 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.212 of 2019 pending on the file of the first respondent police is hereby quashed. The compromise memo is



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recorded and the same shall form part of this order. Consequently,
connected miscellaneous petition is closed.

13.09.2023

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

To

1. The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi 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: 13.09.2023