



Crl.O.P.(MD)No.14377 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	01.09.2023
Delivered on	11.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.14377 of 2023
and C.R.L.M.P.(MD) Nos.11310 and 11312 of 2023

P.John Alto ... Petitioner/Accused
Vs.

1. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.

... 1st Respondent/
Complainant

2.Ashwin Gnana Suguna

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge-sheet in C.C.No.21 of 2022 on the file of the Additional Mahila Court (Magistrate Level) Nagercoil, Kanyakumari District and quash the same as illegal.

For Petitioners : Mr.G.Anto Prince

For Respondents : Mr.E.Antony Sahaya Prabahar
Addl. Public Prosecutor



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for R1

Mr.M.Meeran Mytheen for R2

ORDER

This petition has been filed seeking quashment of C.C.No.21 of 2022 pending on the file of the Additional Mahila Court, Nagercoil.

2. The case of the prosecution is that pursuant to the matrimonial dispute a complaint was lodged by the second respondent/defacto complainant and thereby, the first respondent police have registered a case in Crime No.409 of 2021 on 08.09.2021, for the offences punishable under Sections 294, 323 of IPC and Section 4 of TNPHW Act and the same was taken on file in C.C.No.21 of 2022 before the learned Additional Mahila Judge, Nagercoil, Kanyakumari District.

3. It is 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.

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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 sentencing in the criminal justice system, which is grounded on the sub-lime philosophy of maintenance of peace of the



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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."

5. The High Court Legal Services Committee attached to this Court was directed to verify the identities of the defacto complainant and



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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. In the present case, the petitioner and the defacto complainant are husband and wife the complaint lodged by the defacto complainant due to misunderstandings between them. It is reported that the entire dispute between the petitioner and the defacto complainant has been settled amicably and that the second respondent/defacto complainant is agreed not to proceed with the case. Considering the fact that the petitioner/accused and the second respondent/defacto complainant have settled their disputes amicably, this Court is of the opinion that in order to make the complete justice, the compromise between the petitioners/accused and the defacto complainant can be 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 C.C.No.21 of 2022 before the learned Additional Mahila Judge, Nagercoil, Kanyakumari District.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.21 of 2022 before the learned Additional Mahila Judge, Nagercoil, Kanyakumari District is hereby quashed. The compromise memo is recorded and the same shall form part of this order. Consequently, connected miscellaneous petitions are closed.

11.09.2023

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



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To

1. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari 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