



Crl.O.P.(MD)No.14257 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	31.08.2023
Delivered on	13.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.14257 of 2023

and

C.R.L.M.P.(MD) Nos.11177 and 11179 of

- 1.Sathyapriya
- 2.Jayakumar
- 3.Vijaya
- 4.Valliyammal
- 5.Dhanapal
- 6.Saravanan

... Petitioners/
Accused Nos.1 to 6

Vs.

1. The Inspector of Police,
Town West Police Station,
Dindigul, Dindigul District.
(Crime No.51/2016)

... 1st Respondent/
Complainant

2. Selvarani

... 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.148 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul and quash the same.



Crl.O.P.(MD)No.14257 of 2023

For Petitioners : Mr.N.Mariappan

For Respondents : Mr.E.Antony Sahaya Prabahar
Government Advocate (Crl. Side)
for R1

ORDER

This petition has been filed seeking quashment of C.C.No.148 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul.

2. The case of the prosecution is that due to the matrimonial dispute between the first petitioner and son of the defacto complainant, the first petitioner had assaulted the defacto complainant and abused him in filthy language thereby she lodged complaint against the petitioners. Basing on the complaint, a case was registered in Crime No.51 of 2016 for the offences punishable under Sections 147, 341, 355, 323, 294(4), 32 and 506(II) of IPC and the same was taken on file in C.C.No.148 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul.

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



Crl.O.P.(MD)No.14257 of 2023

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.

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.14257 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.14257 of 2023

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. Further, it is submitted that the divorce proceedings initiated by the first petitioner was allowed in H.M.O.P.No.13 of 2017 before the Sub Court, Palani and that now both the first petitioner and the defacto complainant are living separately thereby decided to withdraw all the cases pending between them.

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 C.C.No.148 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul.



Crl.O.P.(MD)No.14257 of 2023

7. In the result, this Criminal Original Petition is allowed and the entire proceedings in C.C.No.148 of 2016 on the file of the learned Judicial Magistrate No.1, Dindigul, are hereby quashed. The compromise memo is recorded and the same shall form part of this order. Consequently, connected miscellaneous petitions are closed.

13.09.2023

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



Crl.O.P.(MD)No.14257 of 2023

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



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Crl.O.P.(MD)No.14257 of 2023

DR.D.NAGARJUN,J

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Crl.O.P.(MD)No.14257 of 2023

Dated: 13.09.2023