



Crl.O.P.(MD)No.15526 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	27.09.2023
Delivered on	29.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.15526 of 2023

Rajesh

... Petitioner/
Accused No.1

Vs.

1. The Inspector of Police,
Sholavandhan Police Station,
Madurai District.
(Crime No.137/2020)

... 1st Respondent/
Complainant

2. Chellapandi

... 2nd Respondent /
Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the charge sheet in P.R.C.No.77 of 2023 pending on the file of the learned Judicial Magistrate, Vadipatti, insofar as the petitioner is concerned.



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Crl.O.P.(MD)No.15526 of 2023

For Petitioner : Mr.A.Karthik
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1
Mr.P.Suresh Kumar for R2

ORDER

This petition has been filed seeking quashment of charge sheet in P.R.C.No.77 of 2023 on the file of the learned Judicial Magistrate, Vadipatti, insofar as the petitioner is concerned.

2. The case of the prosecution is that on 18.03.2020, at 08.00 p.m., due to previous enmity between the defacto complainant's uncle and the accused, the accused persons tried to attack the defacto complainant with Aruval, however, he narrowly escaped and on a complaint given by the defacto complainant, a case has been registered by the respondent police in Crime No.137 of 2020, for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC against the petitioner and the other accused. After completion of investigation, the first respondent Police have filed the final report and the same was taken on file in



Crl.O.P.(MD)No.15526 of 2023

P.R.C.No.77 of 2023 by the learned Judicial Magistrate, Vadipatti, for the offence punishable under Sections 294(b), 307 and 506(ii) IPC and Section 25(1)(a) of the Arms Act, 1959.

3. It is submitted by the learned counsel for the petitioner/accused No.1 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 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 FIR 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:-



WEB COPY



CrI.O.P.(MD)No.15526 of 2023

"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 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



Crl.O.P.(MD)No.15526 of 2023

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 the accused No.1 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 in-charge of the High Court Legal Services Committee/ Registrar (Judicial) sent a report after verifying their identities.



Crl.O.P.(MD)No.15526 of 2023

WEB COPY

6. It is stated by learned counsel for the parties that at the intervention of family members and elders of both parties, the dispute between the petitioner/accused No.1 and the second respondent/defacto complainant has been settled amicably.

7. Considering the fact that the petitioner and the second respondent/defacto complainant have settled their disputes amicably, 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 petitioner/accused No.1 and the defacto complainant can be recorded thereby inclined to quash all further proceedings in P.R.C.No.77 of 2023 pending on the file of the learned Judicial Magistrate, Vadipatti, insofar as the petitioner/accused No.1 is concerned.

8. In the result, this Criminal Original Petition is allowed and the entire proceedings in P.R.C.No.77 of 2023 pending on the file of the learned Judicial Magistrate, Vadipatti, is hereby quashed, insofar as the



Crl.O.P.(MD)No.15526 of 2023

petitioner/accused No.1 is concerned. The compromise memo is recorded
and the same shall form part of this order.

29.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

- 1.The learned Judicial Magistrate, Vadipatti.
2. The Inspector of Police,
Sholavandhan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.15526 of 2023

DR.D.NAGARJUN,J

ssb

Crl.O.P.(MD)No.15526 of 2023

Dated: 29.09.2023