



Crl.O.P.(MD)Nos.22864 and 22883 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	25.07.2023
Delivered on	03.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

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Crl.O.P.(MD)No.22864 of 2022

1. Kajendran
2. Mathumitha
3. S.K.Nagarajan
4. A.K.Dhanasekaravelpandian
5. A.K.Baskaravelpandian
6. K.Jeyachandran
7. J.Ravi
8. V.Keerthiga
9. K.P.Vairamani
10. M.D.Karthik
11. M.D.Surendran
12. E.P.Sekar



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13. R.C.Ramesh

14. Chandrau

15. A.K.B.Mahibalan

... Petitioners

Vs.

1. The Inspector of Police,
Palamedu Police Station,
Madurai District.
Cr.No.49/2012.

2. Jeyasankar

3. T.Kathirasan

4. B.Niraimathi

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the first respondent and quash the proceedings in FIR No.49/2012 on file of the first respondent police.

For Petitioners

: Mr.B.Senthil Kumar

For Respondents

: Mr.B.Thanga Aravindh

Government Advocate (Crl. Side)
for R1

Mr.A.P.Athithan for R2 to R4

Crl.O.P.(MD)No.22883 of 2022

1. P.Rajamani,

2. A.Chandramohan,

3. N.Arumugapandi,



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4. A.Sri Kannammal,

5. M.Rajashanmugavel

... Petitioners

Vs.

1. The Inspector of Police,
Palamedu Police Station,
Madurai District.
Crime No.47 of 2012.

2. K.Jeyachandran

3. K.Murugan

4. M.Ramar Pandian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the Respondent and quash the proceedings in Cr.No.47 of 2012 on file of the Respondent Police against these Petitioners.

For Petitioners : Mr.B.Senthil Kumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1
Mr.B.Senthilkumar for R2 to R4

COMMON ORDER

These petitions have been filed seeking quashment of First Information Report (FIR) in Crime Nos.47 and 49 of 2012 on the file of the first respondent police.



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2. The contention of the petitioners is that in respect of obtaining license to start a petrol bunk, dispute erupted between the petitioners and the unofficial respondents in these writ petitions, thereby a case and counter case registered against both the parties by the first respondent police in Crime No.47 of 2012 for the offences punishable under Sections 147, 324, 427 and 506(ii) of IPC and Section 4 of TNWH Act, and in Crime No.49 of 2012 for the offences punishable under Sections 147, 148, 336, 294(b) and 506(ii) of IPC and Section 4 of TNWH Act, respectively.

3. The further contention of the petitioners is that they compromised the issue between them amicably before the Mediation and Conciliation Centre attached to this Court. The settlement agreements, duly signed by the parties and also by their respective counsels, have been filed before this Court.

4. As per the directions of this Court, the Mediation and Conciliation Centre attached to this Court was asked to verify the identities of the defacto complainant and also the accused with reference



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to the acceptable identity cards like Aadhar Card etc. and also make an informal inquiry as to whether the defacto complainant has been accepting with the compromise voluntarily without any force or coercion. Accordingly, the Deputy Registrar/Lok Adalat has examined the defacto complainant and accused persons and ultimately, sent a report that their identities were verified.

5. 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



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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 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



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and after the occurrence of the purported offence and/or
other relevant considerations."

6. In view of the aforesaid judgment and also the settlement arrived between the parties, this Court is of the opinion that no useful purpose will be served by keeping the matters pending and inclined to quash all further proceedings in Crime Nos.47 and 49 of 2012 pending on the file of the first respondent police.

7. In the result, these Criminal Original Petitions are allowed and the entire proceedings in Crime Nos.47 and 49 of 2012, pending on the file of the first respondent police is hereby quashed. The settlement agreements are recorded and the same shall form part of this order.

03.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police,
Palamedu Police Station,
Madurai 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: 03.08.2023