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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) No.270 of 2023

and

CrI.O.P.(MD).No.191 of 2023

Amalajothi

... Petitioner

Vs.

1.The Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.171 of 2021)

2.Sarojini

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the charge sheet in S.T.C.No.467 of 2022 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram and quash the same.

For Petitioner : Mr.A.Balakrishnan

For R1 : Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)

For R-2 : Mr.S.C,Herold Singh



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.467 of 2022 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram, against the petitioner herein.

2. The case of the prosecution is that due to previous enmity between the petitioner and the second respondent with regard to the business unit done by the second respondent, the petitioner herein abused the second respondent by using filthy language and threatened her with dire consequences. Hence, the second respondent made a complaint before the first respondent and the first respondent registered a case in Crime No.171 of 2021 and the respondent Police thereafter conducted investigation and on completion of investigation, they filed a charge sheet before the learned Judicial Magistrate No.I, Padmanabhapuram and the same was taken on file in S.T.C.No.467 of 2022. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the second respondent are neighbours. He would further submit that during the pendency of the case since the



matter has been settled between the parties, there is no need or necessity to proceed with the case. He would further submit that this is a case in counter. He would further submit that both parties have to work out their remedy before the concerned Civil Court. Hence, he prays for allowing this petition,

4. The learned counsel appearing for the second respondent on instructions would submit that the second respondent has no objection to quash the proceedings pending against the petitioner herein.

5. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that since the matter is settled between the parties, he has no serious objection to quash the proceedings against the petitioner herein.

6. When such a situation arose in similarly placed matters in **Crl.O.P.(MD) Nos.406, 530 and 864 of 2016 (Prabu and others vs. State Rep. By The Inspector of Police and others), decided on 28.01.2016**, this Court considered the various decisions rendered by the Hon'ble Supreme Court in this regard in several cases, namely, **Gian Singh vs. State of Punjab and another [(2012) 10 SCC 303], B.S.Joshi**.



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vs. State of Haryana [(2003) 4 SCC 675], Nikhil Merchant vs. CBI [(2008) 9 SCC 677], Narinder Singh and others vs. State of Punjab and another [(2014) 6 SCC 466] and State of Madhya Pradesh vs. Manish and others [(2015) 8 SCC 307] and observed as under:

“11. If the offences against women and children and the IPC offences falling under the categories, like, murder, attempt to murder, offence against unsound mind, rape, bribe, fabrication of documents, false evidence, robbery, dacoity, abduction, kidnapping, minor girl rape, idol theft, preventing a public servant from discharging of his/her duty, outrage of woman modesty, counterfeiting currency notes or bank notes, etc., are allowed to be compounded, it will surely have serious repercussion on the society, as the above mentioned list is only illustrative and not exhaustive. Similarly, any compromise between the victim and the offender in relation to the offences clubbed with Special Enactment, like Arms Act, the Prevention of Corruption Act, TNPPDL Act, TNPID Act or the offences committed by Public Servants while working in that capacity, etc., cannot provide for any basis for quashing criminal proceedings involving such offences. As held by the Apex Court, insofar the offences arising out of matrimonial dispute, relating to dowry or the family disputes where the wrong is basically private or personal in nature, are concerned, the possibility of conviction is remote and bleak, in case the parties resolve their entire disputes amicably among themselves. This Court feels that there cannot be any compromise in respect of the heinous and serious offences of mental depravity and in that case, the Court should be very slow in accepting the compromise. If the compromise is entertained mechanically by the Court, the accused will have the upper hand. The jurisdiction of this Court may not be allowed to be exploited by the accused, who can well afford to wait for a logical conclusion. The antecedents of the accused have also to be taken into consideration before accepting the memo of compromise and the accused, by means of compromise, cannot try to escape from the clutches of law.



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7. Taking note of the judgments referred to supra, considering the nature of allegations and in view of the compromise arrived at between the parties, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Hence, this Court is inclined to quash the proceedings in S.T.C.No.467 of 2022 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram against the petitioner.

8. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties and the proceedings in S.T.C.No.467 of 2022 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram stands quashed against the petitioner. Consequently, connected miscellaneous petition is closed.

25.03.2024

Ncc : Yes /No

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.I, Padmanabhapuram.

2.The Sub Inspector of Police,

Kotticode Police Station,

Kanyakumari District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI. J.

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