



CRL OP(MD). No.1182 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05.02.2024

CORAM

The Hon`ble Mr.Justice M. DHANDAPANI

**CRL OP(MD) No.1182 of 2022
and CrI.M.P.(MD) No.846 of 2022**

1. Devi

2. Tamilmani

3. Arivumani

... Petitioners

Vs

1. State through
The Inspector of Police,
District Crime Branch,
Pudukkottai,
(In Crime No.20 of 2020)

2. Sigapayee,
W/o. Rengasamy,
Manjan Viduthi,
Vamban Post,
Alangudi Taluk,
Pudukkottai District.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to call for the entire records in Crime No. 20 of 2020 on the file of the
Inspector of Police, District Crime Branch, Pudukkottai and quash the



CRL OP(MD). No.1182 of 2022

same as illegal and pass such further or other orders as this Court.

For Petitioners : M/s. B.Sekar

For Respondents : M/s. S. Manikandan for R1
Government Advocate (Crl.Side)

M/s. Arul Jenifer for R2

ORDER

This petition has been filed to quash Crime No. 20 of 2020 on the file of the Inspector of Police, District Crime Branch, Pudukkottai.

2. It is seen that the petitioner has lodged a complaint before the respondent police stating that in order to receive the death benefits of the complainant's son, the signature of the complainant has been forged and the same has been registered in Crime No.20/2020 for the offence punishable under Sections 120-B, 419, 465, 467, 468, 471 and 420 IPC.

3. When the matter was taken up for hearing on 24.01.2022, the matter was referred to the mediation and conciliation centre and on mediation and conciliation, a Joint Memo of Compromise has been filed before this Court, which has been duly signed by the petitioners and the



CRL OP(MD). No.1182 of 2022

second respondent and also by their respective counsels.

WEB COPY

4. The counsel appearing on either side filed a settlement agreement dated 21.02.2022, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the second respondent has agreed to withdraw the above case pending in Crime No.20 of 2020 before the respondent police.

5. 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 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



WEB COPY



CRL OP(MD). No.1182 of 2022

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.

6. Taking note of the judgments referred to supra, considering the nature of allegations and in view of settlement agreement dated 21.02.2022, this Court is of the opinion that no useful purpose



CRL OP(MD). No.1182 of 2022

would be served in keeping the matters pending. Therefore, the crime No.20/2020 pending on the file of the respondent police, in respect of the petitioners/accused alone, are hereby quashed.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. Consequently connected Miscellaneous Petition is closed. The settlement agreement dated 21.02.2022 shall form part of this order.

05.02.2024

RR

TO

1. The Inspector of Police,
District Crime Branch,
Pudukkottai,



WEB COPY



CRL OP(MD). No.1182 of 2022

M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.1182 of 2022**

Date : 05.02.2024