



CRL OP(MD). No.2973 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 12.02.2024

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The Hon`ble Mr.Justice M. DHANDAPANI

CRL OP(MD) No.2973 of 2022
and Crl.M.P(MD) Nos.2228 and 2229 of 2022

Thangapandian

... Petitioner

Vs

1. State Rep by
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District,
(In Crime No.325/2015).

2. Imam Sherif,
S/o. Jamal,
No.5/159, Ambigai Nagar,
Main Road,
Gomathipuram 6th Street,
Madurai.

... Respondents

PRAYER :- Criminal Original Petition file under section 482 of Cr.P.C.,
to call for the records pertaining to the impugned Charge Sheet in
C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Tenkasi
and quash the proceedings as against the petitioner.

For Petitioner : M/s. T. Sathiyathan



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For Respondents : M/s. P. Kottaichamy for R1
Additional Public Prosecutor

M/s. A. Anandha Prakash for R2

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Tenkasi.

2. It is seen that the 2nd respondent has lodged a complaint, before the respondent police, on the premise that the petitioner though has received money for sending onions as per the agreement, failed to send the onion nor returned the money, which was registered in crime No. 325/2015 for offences under Sections 406, 420 and 506(ii) IPC and on completion of investigation, charge sheet has been filed before the jurisdictional court, which is under challenge in this petition.

3. When the matter was taken up for hearing, a Joint Memo of Compromise has been filed before this Court, which has been duly signed by the petitioner and the second respondent and also by their respective counsels.



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4. The counsel appearing on either side filed a Joint Memo of Compromise dated 12.02.2024, 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 C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Tenkasi.

5. The parties have also present before this court and they have categorically stated that they have compromised the issue between them.

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 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:

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“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.

7. Taking note of the judgments referred to supra, considering the



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nature of allegations and in view of joint memo of compromise dated 12.02.2024, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in C.C.No.42 of 2020 on the file of the learned Judicial Magistrate, Tenkasi, in respect of the petitioner/accused alone, are hereby quashed.

8. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 12.02.2024 shall form part of this order. Consequently connected Miscellaneous Petitions are closed.

12.02.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1.The Judicial Magistrate, Tenkasi

2.The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.



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M.DHANDAPANI. J

RR

**ORDER
IN
CRL OP(MD) No.2973 of 2022**

Date : 12.02.2024