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Crl.O.P.(MD)Nos.2043 & 17583 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) Nos.2043 & 17585 of 2022

and

Crl.MP(MD)Nos.1492 & 11910 of 2022 and 1064 of 2023

Alish Ammal @ Alice Rajasigamani ... Petitioner / Accused No.1
(In Crl.O.P.(MD)No.2043 of 2022)

1.Kani Jegadeesh

2.Chinnadurai ... Petitioners/Accused No.2 & 3
(In Crl.O.P.(MD)No.17585 of 2022)

Vs.

1.The State rep by
The Inspector of Police,
District Crime Branch,
Thoothukudi.
(Crime No.21 of 2020)

... Respondent/Complainant
(In both Petitions)

2.Rathinalingam

... Respondent/Defacto
Complainant
(In both Petitions)

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.21 of 2020 on the file of the District Crime Branch, Thoothukudi, and quash the same as against the petitioners.



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For petitioner : Mr.M.P.Senthil
(In Crl.O.P.(MD)No.2043 of 2022)

: Mr.J.David Ganesan
(In Crl.O.P.(MD)No.17585 of 2022)

For R-1 : Mr.B.Nambiselvan,
Additional Public Prosecutor
(In both Petitions)

For R-2 : Mr.M.Pandivel Rajan
(In both Petitions)

COMMON ORDER

These petitions have been filed seeking quashment of FIR in Crime No.21 of 2020 on the file of the District Crime Branch, Thoothukudi.

2. It is seen that the second respondent has lodged a complaint before the the respondent police and the same has been registered in Crime No.21 of 2020 for the offence punishable under Sections 120B, 464, 467, 468, 471 & 420 of IPC.

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



4. The counsel appearing on either side filed a Joint Memo of Compromise dated 18.07.2023, 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.21 of 2020 for the offence punishable under Sections 120B, 464, 467, 468, 471 & 420 of IPC.

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 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,



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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 joint memo of compromise dated 18.07.2023, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, FIR in Crime No.21 of 2020, on the file of the first respondent, in respect of the petitioners/accused, is hereby quashed.



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7. Accordingly, this Criminal Original Petitions are allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 18.07.2023 shall form part of this order. Consequently, the connected miscellaneous petitions are closed.

30.01.2024
1/2

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
dss

To

- 1.The Inspector of Police,
District Crime Branch,
Thoothukudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

dss

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