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Crl.O.P.(MD)No.1817 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.1817 of 2024
and Crl.M.P(MD).No.1350 of 2024

1.Saravanan

2.Poomathi

3.Marimuthu

... Petitioners / Accused Nos.1 to 3

Vs.

1.The State rep.by

The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
Crime No.1 of 2024.

2.M.Geetha @ Sathya

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the FIR in Crime No.1 of 2024 dated 24.01.2024 on the file of the first respondent Police and quash the First Information Report registered against the petitioners.

For petitioners

: Mr.S.K.Mani

For R-1

: Mr.P.Kottaichamy
Government Advocate (Crl.side)

For R-2

: Mr.T.Lenin Kumar



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.1 of 2024 pending on the file of the first respondent Police, against the petitioners.

2. The case of the prosecution is that the petitioners and the second respondent are closely related to each other and the second respondent's father is the maternal uncle of the first petitioner. The marriage between the first petitioner and the second respondent was solemnized in the year 2011 and they were blessed with two children. The first petitioner along with his family members harassed the second respondent demanding dowry and attacked her. Hence, the second respondent has made a complaint before the first respondent Police, based on which, a case in Crime No.1 of 2024 for the offence punishable under Sections 498(A), 294(b), 323 and 506(2) IPC.

3. When the matter is 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. The petitioners and the second respondent are also



present before this Court.

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4. The counsel appearing on either side filed a Joint Memo of Compromise dated 18.03.2024, duly stating that the matter was referred to the Mediation and Conciliation Centre attached to this Bench to arrive at an amicable settlement between the parties and in the Mediation conducted between the parties, the matter was amicably settled and a Settlement Agreement was also arrived between the parties in the Mediation and the petitioners' family accepted the second respondent.

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:



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CrI.O.P.(MD)No.1817 of 2024

“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.

6. Taking note of the judgment referred to supra, considering the nature of allegations and in view of joint memo of compromise dated 18.03.2024 and the Settlement Agreement arrived between the parties, this Court is of the opinion that no useful purpose would be served in



Crl.O.P.(MD)No.1817 of 2024

keeping the matter pending. Therefore, the First Information Report in Crime No.1 of 2024 on the file of the first respondent Police is quashed, in respect of the petitioners.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise and the Settlement Agreement entered into between the parties. The joint compromise memo dated 18.03.2024 and the Settlement Agreement dated 18.03.2024 shall form part of this order. Both the parties are directed to comply with the Settlement Agreement arrived between them without any violation. Consequently, connected miscellaneous petitions are closed.

19.03.2024
(1/3)

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1817 of 2024

M.DHANDAPANI. J.

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Crl.O.P.(MD)No.1817 of 2024

19.03.2024
(1/3)