



CrI.O.P.(MD)No.8106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.8106 of 2024

Ponrani

... Petitioner

Vs.

1.The Sub Inspector of Police,
Manoor Police Station,
Tirunelveli District.
(Crime No.621 of 2023)

2.Muthulakshmi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Cr.No.621 of 2023 pending on the file of the Inspector of Police, Manoor Police Station, Tirunelveli and quash the same.

For Petitioner

: Mr.A.Sivasubramanian

For R1

: Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For R2

: Mr.A.Ferozkhan



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ORDER

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The petitioner is an accused in Crime No.621 of 2023 on the file of the second respondent Police Station, which was registered for the offence under Sections 3(1)(r) of SC/ST (POA)Amendment Act, 1989 and Section 75 of the Juvenile Justice (Care and Protection of Children)Act, 2015 altered into Section 75 of the Juvenile Justice (Care and Protection of Children)Act, 2015. She has filed this petition to quash the proceedings pending against her.

2.The case of the prosecution is that the petitioner herein is working as Headmistress in the School where the second respondent's son is studying. She compelled the son of the second respondent to take away the stones from the toilet by mentioning his caste. Hence, the case.

3.The petitioner and the defacto complainant are present before this Court. The defacto complainant submits that she falsely lodged the complaint as against the petitioner and now they have amicably resolved their issue. A compromise memo, dated 19.06.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.621 of 2023 to personally verify with the defacto complainant and to ascertain whether the



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compromise is a voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.8106 of 2024, I personally verified the defacto complainant in Cr.No.621 of 2023 and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

5.The Apex Court has dealt with the consequence of a compromise in regard to non-compoundable offences in the case of ***B.S.Joshi and others Vs. State of Haryana and another*** reported in ***(2003) 4 SCC 675*** and has that if for the purpose of securing the ends of justice, quashing FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power.

6.Thus, the High Court, in exercise of its inherent power can quash criminal proceedings or FIR or complaint and Section 320 of Cr.P.C. does not limit or affect the powers under Section 482 of the Code of Criminal



Procedure, 1973. The Hon'ble Supreme Court has permitted compounding of such offences in the decision of Nikhil Merchant v. CBI and another (2008) 9 SCC 650.

7. In ***Parbatbhai Aahir v. State of Gujarat [AIR 2017 SC 4843]***, the Hon'ble Supreme Court has issued the following guidelines:-

"(1) Section 482 CrPC preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inherent in the High Court.

(2) The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 CrPC. The power to quash under Section 482 is attracted even if the offence is noncompoundable.

(3) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.



(4) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

(5) the decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulate.

(6) In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

(7) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

(8) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in



appropriate situations fall for quashing where parties have settled the dispute.

(9) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

(10) There is yet an exception to the principle set out in Propositions (8) and (9) above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

8.Keeping in mind the above ratio laid down by the Hon'ble Supreme Court, this Court proceeds with the matter. The parties are present. This Court has verified the parties with their Aadhaar cards and also verified about the present status. The defacto complainant has expressed her willingness to solve the issue. Since the parties have reached settlement, the continuance of legal proceedings would serve no purpose, in as much as the conflict between the private individuals.



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9. In view of the above development and following the ratio laid down by the Honourable Supreme Court, this Court is inclined to quash the proceedings, though certain offence are non-compoundable, in order to avoid further conflict between the parties.

10. Accordingly, by recording the compromise memo dated 19.06.2024 this criminal original petition is allowed and the case in crime No.621 of 2023 pending on the file of the second respondent is hereby quashed. The joint compromise memo dated 19.06.2024 shall form part and parcel of this order. Since the defacto complainant has lodged a false complaint and made the respondent Police to register a case, the second respondent is directed to pay a sum of Rs.5,000/- to the first respondent Police Station.

01.07.2024

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B.PUGALENDHI,J

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To

- 1.The Sub Inspector of Police,
Manoor Police Station,
Tirunelveli District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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