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CrI.O.P.(MD)No.10964 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.03.2024**

CORAM:

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

CrI.O.P.(MD) No.10964 of 2022

and

CrI.M.P.(MD).No.6927 of 2022

Mohana Sundari

... Petitioner

Vs.

1.The State represented by
the Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.
(Crime No.111 of 2022)

2.Karthik

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the above First Information Report in Crime No.111 of 2022 on the file of the respondent Police and quash the same as against this petitioner is concerned.

For petitioner : Mr.B.Jameel Arasu

For R-1 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R-2 : Mr.Aravind Raj



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ORDER

This petition has been filed seeking to quash FIR in Crime No.111 of 2022 on the file of the respondent Police insofar as the petitioner is concerned.

2. The case of the prosecution is that the petitioner is the owner of the property. The second respondent has paid a sum of Rs.20,00,000/- to the petitioner and the other accused persons for purchasing the property. However, the accused persons neither repaid the alleged amount nor executed the sale deed in favour of the second respondent. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that during the pendency of this petition, the matter was amicably settled between the parties.

4. Today, the learned counsel appearing for the petitioner has handed over the Demand Draft for a sum of Rs.20,00,000/- to the second respondent.



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5. The learned counsel appearing for the second respondent would submit that the second respondent has undertaken before this Court that he is going to withdraw the case in O.S.No.43 of 2021 before the Fast Track Mahila Court, Sivagangai, after realization of the said amount. He would further submit that he has no objection to quash FIR in Crime No.111 of 2022 registered against all the accused persons.

5. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the matter is settled between the parties and hence, he has no objection to quash FIR registered against all the accused persons.

6. Today, a Joint Memo of Compromise has been filed before this Court by A1, who is the husband of the petitioner, and it has been duly signed by Accused No.1, on behalf of all the accused persons and the second respondent and also by the learned counsels on record.

7. In the Joint Memo of Compromise dated 20.03.2024, the second respondent has agreed to withdraw the above case pending in O.S.No.43 of 2021 on the file of the Fast Track Mahila Court, Sivagangai.



8. 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, 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



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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.

9. Taking note of the judgments referred to supra, considering the nature of allegations and in view of joint memo of compromise dated 20.03.2024, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Since the alleged amount has been given to the second respondent and the allegations levelled against the petitioner in this case and the other accused persons are one and the same, this Court is inclined to quash the proceedings in Crime No.111 of 2022 against all the accused persons including the petitioner.

10. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties and the proceedings in Crime No.111 of 2022 stands quashed against all the accused persons including the petitioner herein. The joint compromise



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memo dated 20.03.2024 shall form part of this order. Consequently,
connected miscellaneous petition is closed.

20.03.2024

Index : Yes/No

Internet : Yes/No

NCC : Yes / No

TSG

To

1.The Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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