



Crl.O.P.(MD)No.16007 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.16007 of 2022

and

Crl.M.P.(MD).Nos.10587 & 10588 of 2022

Kavitha

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Samayanallur, Madurai District.
Crime No.18 of 2021,
Nagamalai Pudukottai Police Station.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
Crime No.18 of 2021

3.Bhuvaneshwari

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the final report filed by the respondent Police in Spl.S.C.No.97 of 2022 on the file of the III Additional District Judge (PCR), Madurai and quash the same as against the petitioner.



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For petitioner	: Mr.D.Venkatachalam
For R-1 & R-2	: Mr.P.Kottaichamy, Government Advocate (Criminal Side)
For R-3	: Mr.R.Mahendran

ORDER

This petition has been filed seeking to quash the proceedings in Spl.S.C.No.97 of 2022 on the file of the III Additional District Judge (PCR), Madurai, against the petitioner herein.

2. It is seen that the petitioner is the daughter of the third respondent. Due to property dispute arose between the petitioner and the third respondent, the petitioner along with other accused persons attacked the third respondent and caused injury to her. Hence, the third respondent lodged a complaint before the second respondent Police and the second respondent Police registered a case in Crime No.18 of 2021 and conducted investigation and after completing investigation, they filed a charge sheet in Spl.S.C.No.97 of 2022 before the learned III Additional District Judge (PCR), Madurai for the offence under Sections 294(b), 325, 342, 506(i) IPC and Section 4 of the Prohibition of



Harassment of Women Act, 2002 and Sections 3(1)(r), 3(1)(g) and 3(2)(va) of the SC/ST (POA) Act.

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 third respondent and also by their respective counsels.

4. The learned counsel appearing on either side filed a Joint Memo of Compromise dated 16.02.2024, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, this Court may allow this petition.

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, 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.



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6. Taking note of the judgments referred to supra, considering the nature of allegations and in view of joint memo of compromise dated 16.02.2024, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in Spl.S.C.No.97 of 2022 before the learned III Additional District Judge (PCR), Madurai, in respect of the petitioner/accused alone, are hereby quashed. The victim / third respondent is directed to refund the compensation received by her from the concerned Government Authorities.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 16.02.2024 shall form part of this order. Consequently, connected miscellaneous petitions are closed.

27.03.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
TSG

To

1.The III Additional District Judge (PCR), Madurai.



CrI.O.P.(MD)No.16007 of 2022

2.The Deputy Superintendent of Police,
Samayanallur, Madurai District.
Nagamalai Pudukottai Police Station.

3.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

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



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M.DHANDAPANI. J.

TSG

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