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CrI.O.P.(MD)Nos.15816 of 2022 & 3783 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.(MD) Nos.15816 of 2022 & 3783 of 2023

and

CrI.M.P.(MD).Nos.10453 and 10454 of 2022 & 3363 of 2023

1.Karthigai Selvi

2.Indrani

... Petitioners / Accused Nos.2 and 3
(In CrI.O.P.(MD).No.15816 of 2022)

Muthuraman

...Petitioner / Accused No.1
(In CrI.O.P.(MD).No.3783 of 2023)

Vs.

1.The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.621 of 2022)

2.Kannan @ Ramachandran ...Respondents in both petitions

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C, to call for the entire records in C.C.No.304 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam and quash the same as against these petitioner concerned..

For petitioners

: Mr.M.Shakul Hameed
(In CrI.O.P.(MD).No.15816 of 2022)



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For petitioner

: Mr.D.S.Haroon Rasheed
(In Crl.O.P.(MD).No.3783 of 2023)

For R-1

: Mr.P.Kottaichamy,
Government Advocate
(Criminal Side)
(In both petitions)

For R-2

: Mr.S.Siva Prakash
(In both petitions)

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the proceedings in C.C.No.304 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam against the petitioners herein.

2. The case of the prosecution is that the marriage between the second respondent and the Accused No.3, viz., Indrani was solemnized on 12.03.2014. Due to matrimonial dispute arose between the second respondent and Accused No.3, the petitioners herein attacked the second respondent and abused him by using filthy language. Thereby, the second respondent made a complaint before the first respondent Police and the first respondent Police registered a case in Crime No.621 of 2020 and conducted investigation and on completion of investigation, they filed a charge sheet in C.C.No.304 of 2022 on the file of the learned Judicial Magistrate, Tirumangalam for the offence



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punishable under Sections 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. Challenging the same, the present petitions have been filed.

3. The learned counsel appearing for the petitioners would submit since the matter has been settled between the parties, there is no need or necessity to proceed with the case.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the matter is settled between the parties and hence, he has no objection to quash the proceedings in C.C.No.304 of 2022 before the learned Judicial Magistrate, Thirumangalam against all the accused persons.

5. Today, the petitioners and the second respondent are present before this Court and they were identified by their respective counsels and also by the respondent Police and the second respondent and Accused No.3 would submit that they have decided to live separately. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves. In the instant case, the dispute is of matrimonial in nature and the parties had



compromised. Where the parties have compromised the matter, the High Court has to power to quash the complaint for the offence under Sections 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 .

6. 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



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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.

7. Taking note of the judgments referred to supra, considering the nature of allegations and in view of the compromise arrived at between the parties, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Hence, this Court is inclined to quash the proceedings in C.C.No.304 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam against all the petitioners.

8. Accordingly, these Criminal Original Petitions stand



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allowed on the basis of the compromise entered into between the parties and the proceedings in C.C.No.304 of 2022 stands quashed against the petitioners herein. Consequently, connected miscellaneous petitions are closed.

27.03.2024

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

- 1.The Judicial Magistrate, Thirumangalam.
- 2.The Inspector of Police,
Koodakovil Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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