



Crl.O.P.(MD)No.16517 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.16517 of 2022

and

Crl.M.P.(MD).Nos.11023 & 11024 of 2022

1.C.Periyasamy
2.Senthilvel

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
South Gate Police Station,
Madurai City.
(Crime No.1094 of 2020)

2.Thulashimani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the final report in C.C.No. 1205 of 2022 on the file of the learned Judicial Magistrate Additional Mahila Judge, Madurai in Crime No.1094 of 2020 dated 24.09.2020 on the file of the first respondent and quash the same as illegal as against the petitioners alone.

For petitioners

: Ms.M.Viji



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For R-1

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

For R-2

: Ms.P.Thulashimani
(Party-in-Person)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.1205 of 2022 on the file of the learned Judicial Magistrate Additional Mahila Judge, Madurai in Crime No.1094 of 2020 dated 24.09.2020, against the petitioner herein.

2. The case of the prosecution is that on 10.09.2020 when the second respondent was in her home along with her child, at that time, the accused persons came to her home and asked about the brother of the second respondent and scolded her in filthy language. Hence, the second respondent lodged a complaint before the first respondent Police and the respondent Police registered a case in Crime No.1094 of 2020 and conducted investigation and on completion of investigation, they filed a charge sheet before the learned Judicial Magistrate Additional Mahila Judge, Madurai and the same was taken on file in C.C.No.1205 of 2022 for the offence punishable under Sections 34, 294(b), 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Challenging the same, the present petition has 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. The petitioners undertake before this Court that they will not make any quarrel with the second respondent in future. He would further submit that the petitioners will not file any complaint against the second respondent and her brother in future.

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.1205 of 2022 on the file of the learned Judicial Magistrate Additional Mahila Judge, Madurai against the petitioners.

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, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in C.C.No.1205 of 2022 on the file of the learned Judicial Magistrate Additional Mahila Judge, Madurai, are hereby quashed.

7. Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. Consequently, connected miscellaneous petitions are closed.

27.03.2024

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

To

- 1.The Judicial Magistrate,
Additional Mahila Court, Madurai.
- 2.The Inspector of Police,
South Gate Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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