



Crl.O.P.(MD)No.20112 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.20112 of 2022

1.C.Ramesh Kumar
2.Sathishkumar

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Cr.No.139 of 2022)

2.Dr.H.George Arvind

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of FIR in Cr.No.139 of 2022 pending before the Inspector of Police, Thiruppalai Police Station, Madurai City and quash the same as against the petitioners concerned.

For Petitioners : Mr.R.M.Makesh Kumaravel

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor

For R2 : Mr.K.Samidurai



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ORDER

This Criminal Original Petition has been filed to quash the first information report in Cr.No.139 of 2022 pending before the Inspector of Police, Thiruppalai Police Station, Madurai City.

2.The case of the prosecution is that the first petitioner contacted the second respondent and expressed his willingness to sell his car. The said car was purchased under hire purchase agreement and he promised to settle the dues within two months. Believing the same, the second respondent purchased the car. However, the first petitioner did not pay the balance due to the Bank. Hence, the second respondent lodged a complaint, based on which, a case in Cr.No.139 of 2022 for the offence punishable under Section 420 IPC. Challenging the same, the present petition has been filed.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners as well as the learned counsel



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appearing for the second respondent submitted that the issue between the parties was settled and they have also filed a joint compromise memo which has been duly signed by the petitioners and the second respondent and also by their respective counsels.

4.The learned counsel appearing on either side filed a Joint Memo of Compromise dated 12.12.2022, 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:

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“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 12.12.2022, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in Cr.No.139 of 2022 pending before the Inspector of Police, Thiruppalai Police Station, Madurai City, is hereby quashed.

7.In the result, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memo dated 12.12.2022 shall form part of this order.

25.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI,J.

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To

- 1.The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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