



CrI.O.P.(MD)No.23091 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2024**

CORAM:

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

CrI.O.P.(MD) No.23091 of 2022

Santhiu @ Prenjith

... Petitioner/A4

Vs.

1.State Rep. by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
Crime No.38 of 2022

2.Baskaran

3.Muthukrishnan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the FIR in Crime No.38 of 2022, dated 12.02.2022, for the offences under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC and quash the same as illegal as against the petitioner/accused.

For Petitioner : Mr.D.Balamurugapandi

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

For R-2 & R-3 : No Appearance



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ORDER

This petition has been filed to quash the FIR in FIR in Crime No.38 of 2022 on the file of the first respondent police.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner along with other accused persons assembled in front of the second respondent/defacto complainant's house and attacked the second respondent/defacto complainant and his brother. Thereby, the second respondent lodged a complaint against the petitioner before the first respondent police and the same was registered in Crime No.38 of 2022 for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(2) of IPC.

3.When the matter was taken up for hearing today, the learned counsel for the petitioner would submit that during the pendency of this petition, the matter was compromised between the parties and he has also filed a Joint Memo of Compromise before this Court, dated 12.07.2024, which was duly signed by both parties and their respective counsels.



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4.The learned Additional Public Prosecutor appearing for the first respondent did not dispute the said facts submitted by the learned counsel for the petitioner.

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



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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.

6.Taking note of the judgments referred to supra, considering the nature of allegations and in view of joint memo of compromise dated 12.07.2023, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the impugned FIR in Crime No.38 of 2022 in respect of the petitioner/A4 is hereby quashed.



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7. Accordingly, this Criminal Original Petition is allowed on

the basis of the compromise entered into between the parties. The joint compromise memo dated 12.07.2023 shall form part of this order.

28.03.2024

Index : Yes/No

Internet : Yes/No

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To

1. The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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