

Crl.O.P(MD)No.3821 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.3821 of 2025

Shahul Hameed

... Petitioner

Vs

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Paramakudi Taluka Station,
Ramanathapuram District.

2. Jeyakumar

... Respondents

PRAYER: Criminal Original petitions have been filed under Section 528 of BNSS to call for the records pertaining C.C.No. 223 of 2019 pending before the Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the proceedings against the petitioner as illegal.

For Petitioner : Mr. B.Mahendrarajan

For R1 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

For R2 : Mr.Manikandan



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ORDER

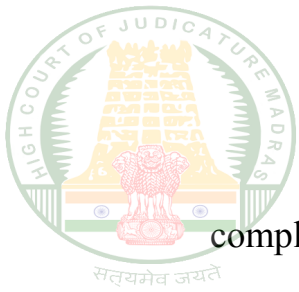
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This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 223 of 2019 pending before the Judicial Magistrate, Paramakudi, Ramanathapuram District for the offences under Sections 279, 337, 338 IPC, in Crime No.262 of 2017 and quash the same.

2. According to the petitioner, based on the complaint given by the defacto complainant, the police has registered FIR in Cr.No. 262 of 2017 for the offences under Sections 279, 337, 338 IPC.

3. When the matter was taken up for hearing, the learned counsel on both sides represented that during pendency of the case in C.C.No.223 of 2019, the matter has been amicably settled between the parties and to that effect, they have entered into a compromise and the same was filed before this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that in this case, during the accident one person died and one person injured. Now the defacto



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complainant alone included in this case and the legal heirs of deceased viz., Jesu were not added as parties. Therefore, strongly opposed to allow this petition.

5.At this juncture, the learned counsel for the petitioner would submit that legal heirs of the deceased viz., Jesu, who died in the accident are not parties in the petition. During the pendency of the case, already wife of the deceased cited as one of the witness was died. The son of the deceased has not witnessed the occurrence, therefore, his presence is not required.

6. Today, the defacto-complainant and petitioner are present and the injured witness/LW2 appeared through Video Conference. This Court enquired about the terms of compromise. The defacto-complainant represented that they have entered into a compromise as they have settled their disputes between themselves. A compromise memo, dated 12.03.2025 signed by the parties and their respective counsels, is also filed before this Court.



7. This Court has perused the terms of the compromise

WEB COPY memo.

8. The learned counsel for the petitioner also relied upon the judgment of ***Chandan Singh Vs The State and Another of High Court of Delhi in Crl.M.C.No.1105 of 2016*** wherein, the High Court of Delhi, after relying the Judgment of ***Hon'ble Supreme Court in Narinder Singh Vs. State of Punjab, reported in 2014(6) SCC 466***, held in paragraphs No.5 to 8, as follows:

“The aforesaid dictum stands reiterated by the Apex Court in a recent judgment in Narinder Singh v. State of Punjab (2014) 6 SCC 466. The relevant observations of the Apex Court in [Narinder Singh](#) (Supra) are as under:-

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the



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Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offence committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties



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have resolved their entire disputes among themselves.

7. The inherent powers of the High Court ought to be exercised to prevent the abuse of process of law and to secure the ends of justice. The respondent no.2 agreed to the quashing of the FIR in question and stated that the matter has been settled out of her own free will. As the matter has been settled and compromised amicably, so, there would be an extraordinary delay in the process of law if the legal proceedings between the parties are carried on. So, this Court is of the considered opinion that this is a fit case to invoke the jurisdiction under [Section 482](#) Cr.P.C. to prevent the abuse of process of law and to secure the ends of justice.

8. The incorporation of inherent power under Section 482 Cr.P.C. is meant to deal with the situation in the absence of express provision of law to secure the ends of justice such as, where the process is abused or misused; where the ends of justice cannot be secured; where the process of law is used for unjust or unlawful object; to avoid the causing of harassment to any person by using the provision of Cr.P.C. or to avoid the delay of the legal process in the delivery of justice. Whereas, the inherent power is not to be exercised to circumvent the express provisions of law.

9. It is settled law that the inherent power of the High Court under Section 482 Cr.P.C. should be used sparingly. The Hon'ble Apex Court in the case of State of Maharashtra through CBI v. Vikram Anatrai Doshi and Ors. MANU/SC/0842/2014 and in the case of Inder Singh Goswami v. State of Uttaranchal MANU/SC/0808/2009 has



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observed that powers under Section 482Cr.P.C. must be exercised sparingly, carefully and with great caution. Only when the Court comes to the conclusion that there would be manifest injustice or there would be abuse of the process of the Court if such power is not exercised, Court would quash the proceedings.”

10. On a careful perusal of the said Judgment, it is clear that the High Court has inherent power to quash the criminal proceedings even in those case, which are not compoundable, where the parties have settled the matter between themselves and the power is to be exercised sparingly and with caution.

11. In this case, the injured witness/LW2 and the defacto complainant filed the compromise memo and already the deceased's wife died during the pendency of the case.

12. Considering the nature of the offences and the parties have also entered into a compromise, it is appropriate to allow this petition.



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13.Recording the said compromise memo, this petition is

allowed and C.C.No.223 of 2019 on the file of the Judicial Magistrate,

Paramakudi, Ramanathapuram District is quashed.

25.03.2025

Internet :Yes

Index :Yes/No

NCC :Yes/No

PNM

To

1.The Judicial Magistrate, Paramakudi, Ramanathapuram District

2.The Inspector of Police,
Paramakudi Taluka Station,
Ramanathapuram District.

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



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P. DHANABAL, J.

PNM

ORDER IN
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