



Crl.O.P(MD)No.8452 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.8452 of 2024

Pasumpon

..Petitioner

.vs.

1. The Inspector of Police
Kalaiyarkovil Police Station
Sivagangai District

2.Ezhilarasi

...Respondents

PRAYER: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 to call for the records pertaining to the charge sheet in C.C.No.674 of 20222 on the file of the learned Judicial Magistrate No.I, Sivagangai District and quash the same as illegal.

For petitioner	:Mr.R.Babu Jegnath
For R1	: Mr. M.Vaikkam Karunanithi Government Advocate (Crl side)

For R2 & R3	: Mr.S.karthikeyan
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ORDER

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.674 of 2022 on the file of the learned Judicial Magistrate No.I, Sivagangai District for the offences under Sections 279, 337, 304(A) and 338 of IPC

2. When the matter is taken up for hearing today, the learned counsels appearing for the petitioner would submit that the second respondent has lodged a complaint before the first respondent Police and on that basis, F.I.R. came to be registered in Crime No.144 of 2021, for the offences under Sections 279, 337, 304(A) and 338 of IPC against the petitioner and thereafter they conducted investigation and filed final report.

3. The case is still under trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.



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4. A Joint Memo of Compromise, dated 13.06.2024, has been filed before this Court, which has been signed by the petitioner and the second respondent and also by their respective counsel. The petitioner and the second respondent were also present in person before this Court and they were identified by the respondent police, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

5. In the instant case, allegations are in respect of gross negligence of rash and negligent driving. Even as per the charge sheet due to rash and negligent driving the occurrence had happened. There is no direct nexus to the petitioner with this incident. Where the parties have compromised the matter, the High Court has power to quash the complaint for the offences under Sections 279, 337, 304(A) and 338 of IPC.



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6. At this juncture, the learned counsel appearing 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 and others vs. State of Punjab and another reported in (2014) 6 Supreme Court Cases 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



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character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties 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.



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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 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.”

7. On a careful perusal of the above said judgment, it is clear that when the parties have reached the settlement and on that basis, petition for quashing the criminal proceedings is filed, the guiding factors in such cases would be to secure ends of justice or to prevent abuse of the process of any Court. While exercising the power, the High Court has to form an opinion on either of the aforesaid two objectives and the power is to be exercised sparingly and with caution.



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8. This Court has perused the terms of the compromise memo.

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

10. Recording the said compromise memo, this petition is allowed and the proceedings in C.C.No.674 of 2022 on the file of the learned Judicial Magistrate No.I, Sivagangai District is quashed. The compromise memo dated 13.06.2024 filed by the parties shall form part of this order.

24.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
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1. The Judicial Magistrate No.I, Sivagangai District
2. The Inspector of Police
Kalaiyarkovil Police Station
Sivagangai District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.DHANABAL, J.

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