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Court : Chennai Madurai

Decided On : Feb-23-2016

Judge : P.N. Prakash

Appeal No. : Crl.O.P. (MD) No. 611 of 2016

Appellant : S. Muthaiah and Others

Respondent : State Represented by The Inspector of Police and Others

Judgement :

(Prayer: Petition filed under Section 482 of Code of Criminal Procedure to call for records in Crime No.573 of 2015 on the file of the Anti-Land, Grab Cell, Madurai District, Madurai and quash the same insofar as the petitioners are concerned.)

1. This petition has been filed seeking to quash the case registered in Crime No.573 of 2015 on the file of the Anti-Land, Grab Cell, Madurai District, Madurai, pursuant to the amicable settlement effected between the parties.

2. It is seen that a case in Crime No.573 of 2015 for the alleged offences under Sections 468, 471 and 420 IPC, has been registered against the petitioners / A1 to A3.

3. When the matter is taken up for hearing, the petitioners/Accused and the third respondent, appeared in persons and their identifications were also verified by this Court, in addition to the confirmation of the identity of the parties by the learned Government Advocate (Crl.Side) through the respondent Police, namely, P.Ram Narayanan, Inspector of Police, Melur Police Station. Learned counsel appearing for the parties also endorsed the identify of their respective parties.

4. The counsel appearing on either side filed a joint memo of compromise dated 16.02.2016, duly stating that since the parties have arrived at an amicable settlement by way of compromise among themselves, the third respondent has agreed to withdraw the above case in Crime No.573 of 2015 pending on the file of the first respondent.

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.

6. Taking note of the judgments referred to supra, considering the nature of allegations and in view of joint memo of compromise dated 16.02.2016, this Court is of the opinion that no useful purpose would be served in keeping the matters pending. Therefore, the entire proceedings in Crime No.573 of 2015 on the file of the Anti-Land, Grab Cell, Madurai District, Madurai in respect of the petitioners/accused alone, are hereby quashed.

Accordingly, this Criminal Original Petition is allowed on the basis of the compromise entered into between the parties. The joint compromise memos dated 16.02.2016 shall form part of this order.

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