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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.9834 of 2022

and

CRL.M.P.Nos.5777 & 5778 of 2022

1.Srikaran
2.Sridaran
3.Mala
4.Umamaheswari
5.Kannan
6.Raghu

...Petitioners

Versus

1. State by Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram, Kanchipuram District.
(Crime No.72 of 2019).

2. Aathikesavan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C.No.15 of 2022 on the file of the learned Judicial Magistrate No.1, Kanchipuram, Kanchipuram District and Quash the proceedings therein.

For Petitioners: Mr.P.Govindarajan for
Mr.N.Srinivasan

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : Mr.R.Rajasekaran

ORDER

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.15 of 2022, pending on the file of the Judicial Magistrate Court No.I, Kancheepuram, for the offence under Sections 294(b), 306, 506(ii), 451, 354 and 34 of IPC and Sections 7(1)(a) and 7(1)(b) of the Protection of Civil Rights



Act, 1955 and Sections 4, 4B(1) and 4B(2) of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2.The allegation against the petitioners in the final report is that the deceased and the 1st petitioner fell in love affair, thereafter, there was some dispute between them in respect of the marriage. Due to which, the deceased committed suicide. The main allegation is that the 1st petitioner uttered a word against the deceased to commit suicide on 09.03.2019. Therefore, on 10.03.2019, the deceased committed suicide.

3.The petitioners and the 2nd respondent filed Joint Compromise Memo to the effect that the 2nd respondent hurriedly lodged a complaint against the petitioners and after realizing the mistake, the 2nd respondent agreed to settle the issue amicably and hence, submitted that the proceedings against the petitioners may be quashed.

4.Mr.P.Saravanan, Head Constable was present before this Court and he confirmed that the 2nd respondent and the petitioners entered into the compromise and the 2nd respondent does not want to proceed further with the criminal proceedings against the petitioners.

5.The 2nd respondent/defacto complainant and the petitioners were also present before this Court at the time of hearing. This Court examined the 2nd respondent and he stated that since there was a love affair and due to sudden death of the deceased, the complaint came to be lodged and also stated that he is not willing to continue with the prosecution and he wanted the criminal proceedings to be quashed.

6.The learned Additional Public Prosecutor appearing on behalf of the 1st respondent Police submitted that though the parties entered into a compromise while this case is pending, this Court, taking into account the seriousness of the offence has to consider the issue as to whether an offence of this nature can be quashed on the ground of compromise between parties.

7.All the statements recorded by the 1st respondent Police indicated that only due to the love affair, the deceased committed suicide. Even the entire statements are taken on face value except the allegation that the 1st petitioner uttered a word against the 2nd respondent go and die, no other materials to infer that the petitioners have induced the deceased to take such extreme step. Therefore, this Court is of the view that the entire materials of the prosecution, even taken on face value, would not constitute the offence against the petitioners.



8.The main issue that requires consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioners. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath, reported in 2017 9 SCC 641 and in case of The State of Madhya Pradesh Vs. Dhruv Gurjar and Another reported in (2019) 2 MLJ Cr1 10, has given sufficient guidelines that must be taken into consideration by this Court while exercising its jurisdiction under Section 482 of Cr.P.C, to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine if the crime in question is purely individual in nature or a crime against the society with overriding public interest. The Hon'ble Supreme Court has held that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

9.In the present case, the offences in question are purely individual/personal in nature. It involves the petitioners and the 2nd respondent and their respective families only. Quashing the proceedings, will not affect any overriding public interest in this case. No useful purpose will be served in continuing with the criminal proceedings and keeping these proceedings pending will only swell the mental agony of the petitioners, 2nd respondent and their family.

10.In view of the above, this Court is inclined to quash the criminal proceedings in P.R.C.No.15 of 2022 on the file of the Judicial Magistrate Court No.I, Kancheepuram in exercise of its jurisdiction under Section 482 Cr.P.C.

11.Accordingly, this Criminal Original Petition is allowed and the criminal proceedings in P.R.C.No.15 of 2022 on the file of the Judicial Magistrate Court No.I, Kancheepuram is quashed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate Court No.I,
Kanchipuram District.



2. The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram, Kanchipuram District.

3. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.P.S.N.Srinivasan, Advocate, S.R.No.38484

CRL.O.P.No.9834 of 2022

BP(CO)
RGA(27/06/2022)