

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P. No.15171 of 2022

1. Deva @ Deva Arockiyam
2. V.Ramesh
3. Babu

... Petitioners / Accused 1 & 3

Vs.

1. The Inspector of Police,  
B-6, Mappedu Police Station,  
Thiruvallur District.  
[Crime No.1787 of 2020]

2. Siva Kumar

... Respondents / Complainant /  
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the First Information Report registered in Crime No.1787 of 2020 dated 26.08.2020 on the file of the Inspector of Police, Mappedu Police Station, Thiruvallur District.

For Petitioners : Mr.K.Elumalai

For Respondents : Mr.A.Gokulakrishnan  
Additional Public Prosecutor - R1

Mr.D.Thanushkumar - R2

O R D E R

This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.1787 of 2020 on the file of the first respondent for the offences under sections 147, 148, 294[b], 323, 324, 506 [2] of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

2. The allegations against the petitioners in the First Information Report is that the petitioners along with other accused had abused the defacto complainant in filthy language and attacked him and also threatened him with dire consequences.

3. The petitioner and the defacto complainant have filed a Memorandum of Joint Compromise before this Court stating that due to misunderstanding between the parties and as a counter blast of the complaint preferred by the petitioner, the defacto complainant has filed the present complaint and they have settled their disputes in an amicable manner among themselves and hence, seek to quash the proceedings against the petitioners.

4. Mr. K.Kalaivanan, Grade I Constable attached to the first respondent Police Station was present before this Court and he informed this Court that the defacto complainant had approached him and informed that they have settled the dispute among themselves and hence, he do not want to proceed further with the criminal proceedings.

5. The Defacto Complainant is also present before this Court at the time of hearing. This Court enquired the defacto complainant and he stated that they had settled the dispute amicably among themselves and hence, he do not want to proceed with the complaint.

6. The learned Additional Public Prosecutor appearing on behalf of the first respondent 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. The main issue that requires the consideration of this Court is as to whether this Court can quash the criminal proceedings involving non-compoundable offences pending against the petitioner. The Hon'ble Supreme Court in the case of Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrat, 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.

8. In the present case, the offence in question are purely individual/personal in nature. It involves dispute between the petitioners and the defacto complainant and quashing the proceedings, will not affect any overriding public interest in this case and no useful purpose will be served in continuing with the criminal proceedings. In view of the above, this Court is inclined to quash the First Information Report registered in Crime No.1787 of 2020 on the file of the first respondent as against the petitioners in exercise of its jurisdiction under Section 482 of the Criminal.

9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.1787 of 2020 on the file of the first respondent as against the petitioners, is quashed. The Memo of Joint Compromise filed by the petitioner shall form part of the records.

(\*)Xerox copy of Joint Memo Compromise enclosed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,  
B-6, Mappedu Police Station,  
Thiruvallur District.

2. The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.K.Elumalai, Advocate, S.R.No.42447

Cr1.O.P. No.15171 of 2022

GSM[co]  
NSK 25/07/2022