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Crl.OP.No.15172 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.15172 of 2022

1. Siva @ Siva Kumar
2. Thejaswini
3. Ravikumar
4. Raja

... Petitioners

Vs.

1. The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur District.
[Crime No.1788 of 2020]

2. Deva @ Deva Arockiyam

... Respondents

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.1788 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



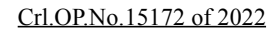
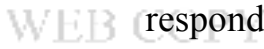
ORDER

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This Criminal Original Petition has been filed to quash the First Information Report registered in Crime No.1788 of 2020 on the file of the first respondent for the offences under sections 447, 147, 148, 294[b], 323 and 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 and pushed the mother of the defacto complainant and also threatened them 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.



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 Gujraath, 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***

Crl 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.1788 of 2020 on the file of the first respondent as against the petitioners in exercise of its jurisdiction under Section 482 of the Criminal.



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9. Accordingly, this Criminal Original Petition is allowed and the First Information Report registered in Crime No.1788 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.

04.07.2022

vrc

To,

1. The Inspector of Police,
B-6, Mappedu Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

VTC

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