



CrI.O.P.(MD)No.1733 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1733 of 2024

and

CrI.M.P.(MD)Nos.1261 and 1263 of 2024

1. M.Rajendran,

2. R.Thamas,

3. Lakshmi,

4. Sabitha,

... Petitioners

Vs

The State represented by

1. The Inspector of Police,
Alanganallur Police Station,
Madurai District.

Crime No.1526 of 2020.

2. Machavalli @ Amsavalli,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge Sheet in C.C.No.158 of 2023 on the file of Judicial Magistrate Court, Vadipatti, Madurai District and quash the same as against the Petitioners alone.



CrI.O.P.(MD)No.1733 of 2024

For Petitioners : Mr.T.Dinesh
For R1 : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)
For R2 : Mr.S.Ramsundar Vijayaraj

ORDER

The petitioners are accused in C.C.No.158 of 2023 on the file of the Judicial Magistrate Court, Vadipatti, Madurai District. for the offence under Sections 294(b), 323, 324, 355 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. They have filed this petition to quash the proceedings pending against them.

2.The petitioners / accused and the defacto complainant are neighbors. The Case of the prosecution is that on 05.08.2020, due to previous enmity, the petitioners attacked the defacto complainant and her husband with iron rod and wooden log and caused minor injuries. They also abused them with filthy language and threatened them with dire consequences. Hence the defacto complainant lodged the complaint, for which, the FIR in Crime No.1526 of 2020 had been registered and after investigation, final report was filed before the Judicial Magistrate Court, Vadipatti, Madurai District, which is taken on file as C.C.No.158 of 2023.



3.The defacto complainant and the accused are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 16.01.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise, this court has also directed the investigation officer in Crime No.1526 of 2020 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed a report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.1733 of 2024, I personally verified the defacto complainant in Cr.No.1526 of 2020, for the offence under Sections 294(b), 323, 324, 355 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and ascertained that the compromise arrived between the accused and the defacto complainant/victims in the above case is voluntary, without any threat or coercion.

I further clarify that there are no other victims in this case, except the victims appeared before this Hon'ble Court today.

5.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 CrI 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. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

6.The parties are present. This Court has verified the parties with their Aadhaar cards and also verified the present status. The defacto complainant has expressed her willingness to solve the issue.

7.In the present case, the offences in question are purely individual/personal in nature and the conflict is between the private individuals and it is not affecting the society at large. It involves the petitioners and the second respondent. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Even otherwise, quashing this case, will not affect any overriding public interest in



this case. Under such circumstances, no useful purpose will be served in keeping the case in C.C.No.158 of 2023 pending, even though, the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.

8.In view of the above development and following the guidelines issued by the Hon'ble Supreme Court in the cases referred supra, this Court is inclined to quash the proceedings though certain offences are non-compoundable, in order to avoid further conflict between the parties.

9.Accordingly, by recording the compromise memo, dated 16.01.2024 this criminal original petition is allowed and the case in C.C.No.158 of 2023 pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, is hereby quashed. The joint compromise dated 16.01.2024, memo shall form part and parcel of this order. Consequently, the connected miscellaneous petitions are closed.

10.Considering the energy and time spent by the respondent police at the time of investigation, the petitioners are directed to pay a sum of Rs.5,000 (each) to the respondent police station.



CrI.O.P.(MD)No.1733 of 2024

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
LR

B.PUGALENDHI,J

LR

To

1.The Judicial Magistrate, Vadipatti, Madurai.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.1733 of 2024



WEB COPY



CrI.O.P.(MD)No.1733 of 2024

08.04.2024