



CrI.O.P.(MD)No.1778 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.1778 of 2024

and

CrI.M.P.(MD)Nos.1313 and 1314 of 2024

1. Machavalli @ Amsavalli,
2. S.Karmegam,
3. S.Kala,

... Petitioners

Vs

State represented by

1. The Inspector of Police,
Alanganallur Police Station,
Vadipatti Taluk,
Madurai District.
Crime No.1565 of 2020.

2. M.Rajendran

... 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.173 of 2023 on the file of Judicial Magistrate Court, Vadipatti, Madurai District and quash the same as against this Petitioners alone.

For Petitioners

: Mr.S.Ramsundar Vijayraj

For R1

: Mr.B.Thnaga Aravindh
Government Advocate(CrI.side)

For R2

: Mr.T.Dinesh



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ORDER

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The petitioners are accused in C.C.No.173 of 2023, on the file of the learned Judicial Magistrate, Vadipatti, Madurai District, for the offence under Sections 294(b), 324, 355, 506(2) IPC and Section 4 of TN 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 quarrelled with the second respondent's wife, attacked her with wooden log and broom stick and caused minor injury. The petitioners also abused her using filthy language. Hence the defacto complainant/second respondent lodged a complaint before the respondent police, for which, the FIR in Crime No.1565/2020 had been registered and after investigation, final report had been filed before the learned Judicial Magistrate, Vadipatti, Madurai and the same is taken on file as C.C.No.173 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 Nil (which was filed before the Registry on 14.02.2024) signed by both the parties, is also



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filed before this Court.

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4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No.173 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.1778 of 2024, I personally verified the defacto complainant in Cr.No.173 of 2020 , for the offence under Sections 294(b), 324, 355, 506(2) IPC and Section 4 of TN 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 his 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 himself has submitted that he 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.173 of 2023 pending, even though, the offences involved are not compoundable in nature. On the other hand, keeping the



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proceedings pending will only swell the mental agony of the parties.

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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 Nil (which was filed before the Registry on 14.02.2024), this criminal original petition is allowed and the case in C.C.No.173 of 2023 pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai District is hereby quashed. The joint compromise memo, dated Nil (which was filed before the Registry on 14.02.2024), shall form part and parcel of this order.

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

08.04.2024

NCC : Yes/No

<https://www.mhc.tn.gov.in/> Index Yes/No



Internet: Yes
LR

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B.PUGALENDHI,J

LR

To

1.The Judicial Magistrate, Vadipatti, Madurai.

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

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

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