



CrI.O.P.(MD)No.2255 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

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1. Suresh,
2. Pattudurai,
3. Mallika,
4. Suthakar,
5. Sunitha Pushparani @ Pushpar,

... Petitioners

Vs

1.The State represented by
The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.
Crime No.1 of 2021.

2. Valentina,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the FIR in Crime No.1 of 2021 on the file of the 1st Respondent Police dated 05.01.2021 and quash the same as illegal.



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For Petitioners : Mr.P.Pillaivinayagam
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.M.Santhoshkumar

ORDER

The petitioners are accused in Crime No.01 of 2021 on the file of the first respondent Police Station, which was registered for the offence under Sections 498(A) and 406 IPC. They have filed this petition to quash the proceedings pending against them.

2.The petitioners / accused and the defacto complainant are relatives. The case of the prosecution is that due to matrimonial dispute, on 11.10.2020, the accused had abused the defacto complainant and demanded additional dowry. Hence the complaint.

3.The petitioners and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, the petitioners and the defacto complainant have amicably resolved their issue. A



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compromise memo, dated 08.02.2024 signed by 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.01 of 2021 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 Crl.O.P.(MD)No.2255 of 2024, I personally verified the defacto complainant in Cr.No.01 of 2021, for the offence under Sections 498(A) and 406 IPC 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 Honourable Supreme Court, while dealing with the compromise quash of a case registered under Section 498-A IPC, reported in **2008 AIR SCW 6814**, in **Dr.Aravind Barsaul etc., Vs State**



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of Madhya Pradesh and another, has held as follows:-

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“10. We have heard learned counsel for the parties at length. The parties have compromised and the complainant Smt. Sadhna Madhnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under Section 498-A IPC. The appeal is accordingly disposed of.”

6. 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 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



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against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

7.The parties are present. This Court also verified the parties with their Aadhaar cards and also verified the present status. The defacto complainant has expressed her willingness to solve the issue. The conflict is between the private individuals and it is not affecting the society at large.

8.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, the second respondent and their respective families only. The defacto complainant herself has categorically submitted that she does not want to prosecute the case any further, in view of the compromise arrived at between them. Even otherwise, quashing this case will not have any overriding public interest. Under such circumstances, no useful purpose will be served in keeping the case in Crime No.1 of 2021 pending, even though, some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the petitioners, second respondent and their families.



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9.In view of the above development and the ratio laid down by the Hon'ble Supreme Court, this Court is inclined to quash the proceedings, though certain offence are non-compoundable in order to avoid further conflict between the parties.

10.In view of the same, by recording the compromise memo this criminal original petition is allowed and the case in crime No.01 of 2021 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated 08.02.2024, shall form part and parcel of this order.

08.04.2024

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



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B.PUGALENDHI,J

LR

To

1. The Inspector of Police,
All Women Police Station,
Tiruchendur,
Thoothukudi District.

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

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