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CRL OP(MD). No.3467 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 15.04.2024

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.3467 of 2024

and

Cr1.M.P. (MD) Nos.2734 and 2735 of 2024

1. Thirumurugan
2. Villammal

... Petitioners/
A1 and A2

Versus

1. The State Rep. by
The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.

2. Mookkammal

... Respondents

Petition filed under Section 482 Cr.P.C. seeking to call for the records in C.C.No.222 of 2023 in Crime No.116 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli and quash the same.

For Petitioner: Mr.S.Muniyandi
Advocate



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For R1 : Mr.P.Kottaichamy,
Government Advocate
(Crl. Side)
For R2 : Mr.B.Kumaresan

ORDER

The petitioners/A1 and A2 are facing a charge of the offence under Sections 294(b) and 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in C.C.No.222 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli. They have filed this petition to quash the proceedings pending against them.

2. The petitioners/A1 and A2 and the defacto complainant are relatives. The case of the prosecution is that on 10.04.2019 at about 17.30 hrs., when the first accused was returning back to his home from Nellikulam Village to Semponnerunchi Village, one Lakshmanan, who came from the opposite direction in his vehicle, tried to dash against the first accused, due to which, the first accused attacked the said Lakshmanan with hands. The said Lakshmanan has informed about the incident to his



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mother/the defacto complainant. Subsequently, the first accused came to the spot along with his mother and abused them in filthy language and threatened them with dire consequences. Hence, the complaint has been lodged by the defacto complainant on 11.04.2019 and the same was registered in Crime No. 116 of 2019 for the offence under Sections 294(b) and 323 IPC. After the completion of investigation, charge sheet has been filed and the same was taken on file in C.C.No.222 of 2023 on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli.

3. The Defacto complainant and the accused are present before this Court and they submitted that they have amicably resolved their issue. A compromise memo, dated 13.03.2024 signed by both the parties, is also filed before this Court.

4. Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.116 of 2019 to personally verify with the defacto complainant and to



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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.3467 of 2024, I personally verified the defacto complainant in Cr.No.116 of 2019 in C.C.No.222 of 2023 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 Cr1 10**, has given sufficient



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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



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petitioner 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.222 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 13.03.2024, this criminal original petition is allowed and the case in C.C.No.222 of



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2023 pending on the file of the learned District Munsif cum Judicial Magistrate, Thiruchuli, is hereby quashed. The joint compromise memo, dated 13.03.2024, shall form part and parcel of this order.

10. Since the charge sheet has been laid and the energy spent by the police ended in vain, the petitioners are directed to pay a sum of Rs.5,000/- (Rupees five thousand) to the respondent Police. Consequently, connected miscellaneous petitions are closed.

(B P J)
15.04.2024

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TO

- 1.The learned District Munsif cum
Judicial Magistrate,
Thiruchuli.
- 2.The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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