



CrI.O.P.(MD)No.3530 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD) No.3530 of 2024

Mr.Marimuthu

... Petitioner

Vs

1.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.44 of 2023

2.Vellaisamy

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in CC No.549 of 2023 on the file of the Judicial Magistrate Court, Tenkasi and quash the same.

For Petitioners

: Mr.R.J.Karthick

For R1

: Mr.P.Kottaichamy

Government Advocate (CrI.side)

For R2

: Mr.M.Rahul Kumar

ORDER

The petitioner is an accused in Crime No.44 of 2023, on the

file of the first respondent Police, for the offence under Sections 294(b)

<https://www.mhc.tn.gov.in/judis>



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and 323 of IPC has moved this Criminal Original Petition to quash the proceedings in CC No.549 of 2023 on the file of the Judicial Magistrate Court, Tenkasi.

2.The above case has been registered based on a complaint lodged by the defacto complainant that due to property dispute, the petitioner has assaulted the defacto complainant and caused injuries to him.

3.The petitioner and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue and a Joint compromise memo, dated 15.04.2024 signed by both the parties have also been filed before this Court to that effect.

4.Before entertaining this application on the ground of compromise, this Court has also directed the investigating officer namely the Sub Inspector of Police, Kadayanallur Police Station, Tenkasi in Crime No.44 of 2023 to personally verify with the defacto complainant and to ascertain whether the compromise is voluntary one, without any



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threat or coercion. The investigating officer after due verification has filed his report as under:

This is to certify that, as directed by this Court in CrI.O.P.(MD)No.3530 of 2024, I personally verified the defacto complainant in Cr.No.44 of 2023, registered for the offence under Sections 294(b) and 323 of IPC and ascertained that the compromise arrived between the accused and the defacto complainant/victim 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 victim 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



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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. Under such circumstances, no useful purpose will be served in keeping the case pending, even though, the offences involved are not compoundable in nature.

6.The parties are present. This Court has verified the identity of 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. The conflict is between the private individuals and it is not affecting the society at large. It involves the petitioner and the second respondent. The Defacto complainant submitted that he does not want to prosecute the case any further, quashing the case, will not affect any overriding public interest in this case. On the other hand, keeping the same pending will only swell the mental agony of the parties.



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

9. Accordingly, by recording the compromise memo, dated 15.04.2024, this criminal original petition is allowed and the case in CC No.549 of 2023 pending on the file of the Judicial Magistrate Court, Tenkasi is hereby quashed. The joint compromise memo, dated 15.04.2024 shall form part and parcel of this order.

10. However, considering the energy and time spent by the respondent police at the time of investigation, the petitioner is directed to pay a sum of Rs.10,000/- to the respondent police station.

24.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
vrn



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To
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- 1.The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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24.04.2024