



Crl.O.P.(MD)Nos.3740 & 3750 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.3740 & 3750 of 2024

Crl.OP(MD) No.3740 of 2024:-

- 1.Subash @ Subash Venkatraman
- 2.Narayanasamy
- 3.Rasu
- 4.Dhanasekar
- 5.Jeyakodi
- 6.Mathan
- 7.Ponnayya
- 8.Surekchana @ Sulochana
- 9.Tamilarasan @ Tamil Selvan

...Petitioners/Accused 1to 9

Vs

- 1.State Represented by
The Inspector of Police,
Pulivalam Police Station,
Trichy District.
(Crime No.113 of 2023)

- 2.Vijay

...Respondents

Crl.OP(MD) No.3750 of 2024:-

- 1.Vijay
- 2.Selvakumar
- 3.Rajarathinam



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4.Moorthy
5.Velmurugan
6.Selvarani
7.Jansirani
8.Gnanavel

...Petitioners/Accused 1to 8

Vs

1.State Represented by
The Inspector of Police,
Pulivalam Police Station,
Trichy District.
(Crime No.114 of 2023)

2.Subash @ Subash Venkatraman ...Respondents

Common Prayer : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records in FIR in Crime Nos.113 & 114 of 2023 on the file of the first respondent police and quash the same.

For Petitioners : Mr.N.Ananda Kumar
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.S.Paulmuruges
(In Crl OP(MD) No.3740 of 2024)

For Petitioners : Mr.S.Paulmuruges
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.N.Ananda Kumar
(In Crl OP(MD) No.3750 of 2024)



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COMMON ORDER

The petitioners are accused in Crime Nos.113 & 114 of 2023 on the file of the first respondent Police Station, which were registered for the offence under Sections 147, 294(b), 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. They have filed this petition to quash the proceedings pending as against them.

2.The petitioners / accused and the defacto complainant are belong to the same village. The case of the prosecution is that there was a quarrel between the petitioners and the defacto complainant in a temple festival, due to which, they have assaulted each others and caused injuries.

3.The petitioners and the defacto complainants in both the Criminal Original petitions are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issues and Joint compromise memos, dated 08.03.2024



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signed by both the parties have also been filed before this Court to that effect.

4.Before entertaining these applications, on the ground of compromise, this Court has directed the investigating officer namely the Sub Inspector of Police, Pulivalam Police Station in Crime Nos.113 and 114 of 2023 to personally verify with the defacto complainants 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)Nos.3740 & 3750 of 2024, I personally verified the defacto complainant in Cr.Nos.113 & 114 of 2023, for the offence under Sections 147, 294(b), 324, 506(ii) of 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



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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 Crl 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 in both Criminal Original petitions are present. This Court has verified the identity of the parties with their Aadhaar cards and also verified the present status. The defacto complainant in



both the petitions have expressed their willingness to solve the issue.

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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 petitioners and the second respondent. The Defacto complainant in both Criminal Original Petitions submitted that they do not want to prosecute the case any further, quashing the FIR, 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. Under such circumstances, no useful purpose will be served in keeping the FIR pending, even though, the offences involved are not compoundable in nature.

8. In view of the above development and the following guidelines issued by the Honourable Supreme Court in these 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.



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9. Accordingly, by recording the compromise memos, dated 08.03.2024, this criminal original petitions are allowed and the cases in Crime Nos.113 and 114 of 2023 pending on the file of the first respondent are hereby quashed. The joint compromise memos, dated 08.03.2024 shall form part and parcel of this common order.

24.04.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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



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B.PUGALENDHI,J

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Common Order made in
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