



Crl.O.P.(MD)No.3882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3882 of 2024

1.Kasimayan @ Captain Kasi

2.Kalidasan

3.Sushmitha

... Petitioners

Vs.

1.State through
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.161 of 2023)

2.Samuthram

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in relating to the final report in PRC.No.24 of 2023 pending on the file of the learned Judicial Magistrate No.II, Usilampatti and quash the same.

For Petitioner : Mr.R.Vennila

For R1 : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For R2 : Mr.B.Kalpana



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ORDER

The petitioners are accused in PRC.No.24 of 2023 on the file of the learned Judicial Magistrate No.II, Usilampatti, which was registered for the offence under Sections 294(b), 323, 436, 427, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. They have filed this petition to quash the proceedings pending against them.

2.The petitioners / accused and the defacto complainant are close relatives. The case of the prosecution is that the second respondent's son married the third petitioner and there was a quarrel between them. Therefore, they separated. On 20.04.2023, the petitioners trespassed the house of the second respondent, threatened and assaulted her.

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 13.03.2024 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.161 of 2023



to personally verify with the defacto complainant and to ascertain whether the compromise is a 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.3882 of 2024, I personally verified the defacto complainant in Cr.No.161 of 2023/PRC.No.24 of 2023, JM, Usilampatti, for the offence under Sections 294(b), 323, 436, 427, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 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 reported 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 v. 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 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 about 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 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 PRC.No.24 of 2023 pending, even though, some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings



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pending will only swell the mental agony of the petitioners, second respondent and their families.

8.In view of the above development and following 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 not compoundable in order to avoid further conflict between the parties.

9.Accordingly, by recording the compromise memo dated 20.04.2023 this criminal original petition is allowed and the case in PRC.No.24 of 2023 pending on the file of the learned Judicial Magistrate No.II, Usilampatti is hereby quashed. The joint compromise memo dated 20.04.2023 shall form part and parcel of this order.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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B.PUGALENDHI,J

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To

- 1.The Judicial Magistrate No.II,
Usilampatti.
- 2.The Inspector of Police,
Checkanurani Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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