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CrI.O.P.(MD)No.4465 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4465 of 2024

1. Arun Pradeep,

2. Ilavarasi,

... Petitioners

Vs

The State represented by

1. The Inspector of Police,

All Women Police Station

Karur,

Crime No.27/2020.

2. Kaviya,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the charge sheet in C.C No. 1832 of 2023 on the file of the Additional Mahila court, Karur and quash the same.

For Petitioners

: Mr.S.Manoj Kumar

For R1

: Mr.M.Sakthi Kumar

Government Advocate(Crl.side)

For R2

: Mr.S.Gokul Raj



ORDER

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The petitioners are accused in C.C No. 1832 of 2023 on the file of the Additional Mahila Court, Karur, for the offences under Sections 498(A), 294(b), 506(1), 34 and 406 IPC and Section 4 of Dowry Prohibition Act, 1961. 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, the accused harassed the defacto complainant and also made life threat. Hence the case in Crime No.27 of 2020 was registered. After completion of investigation, the final report had been filed before the Additional Mahila Court, Karur and the same was taken on file as C.C.No.1832 of 2023.

3.The defacto complainant and the petitioners 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 12.04.2023 signed by the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise,

<https://www.mhc.tn.gov.in/judis> this court has also directed the investigation officer/Mrs.M.Vijayalakshmi,



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Sub Inspector of Police, All Women Police Station, Karur in C.C No. 1832 of 2023 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 CrI.O.P.(MD)No.4465 of 2024, I personally verified the defacto complainant in Cr.No.27 of 2020, for the offence under Sections 498(A), 294(b), 506(1), 34 and 406 IPC and Section 4 of Dowry Prohibition 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 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 of Madhya Pradesh and another**, has held as follows:-

“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

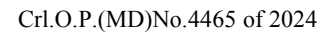


does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, 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 ***B.S.Joshi Vs. State of Haryana*** reported in ***(2003) 4 SCC 675***, has held as follows:

"12.The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes."

7.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



10. 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



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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 C.C.No.1832 of 2023 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.

11.In view of the same, by recording the compromise memo, dated 12.04.2024, this criminal original petition is allowed and the case in C.C No. 1832 of 2023 pending on the file of the Additional Mahila Court, Karur is hereby quashed. The Joint compromise memo, dated 12.04.2024 shall form part and parcel of this order.

12.Considering the energy and time spent by the respondent police at the time of investigation, the petitioners are directed to pay a sum of Rs. 10,000 (each) to the respondent police station.

12.04.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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



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B.PUGALENDHI,J

LR

To

1. The Inspector of Police,
All Women Police Station
Karur,

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

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12.04.2024