



CrI.O.P.(MD)No.4619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.4619 of 2024

1. Vengatesh @ Venkatesh

2. Muthukrishnan

3. Muthuvel

... Petitioners

Vs.

1.The Inspector of Police

Mandapam Police Station,

Ramanathapuram District.

Crime No. 23/2024.

2. Manimegalai

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the F.I.R. in Crime No.23 of 2024 u/s 294(b), 341, 506 (ii) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the 1st respondent police and quash the same as illegal as against the petitioners.

For Petitioners

: Mr.D.Balamurugapandi

For R1

: Mr.P.Kottaichamy

Government Advocate (CrI.Side)

For R2

: Mr.T.Venkatesh



Crl.O.P.(MD)No.4619 of 2024

WEB COPY

ORDER

The petitioners are accused in Crime No.23 of 2024 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 341, 506(ii) of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. They have filed this petition to quash the case pending against them.

2. The petitioners / accused and the defacto complainant belong to the same village. The case in Crime No.23 of 2024 was registered based on the complaint given by the second respondent on 13.02.2024 alleging that, due to money dispute, there was a wordy quarrel between the petitioners and the defacto complainant, a case and counter case were registered.

3. The petitioners 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. A compromise memo dated 10.04.2024 signed by both the parties is also filed before this Court.

4. Before entertaining this application on the ground of compromise, this court has also directed the investigation officer in Crime No.23 of 2024 to personally verify with the defacto complainant and to



Crl.O.P.(MD)No.4619 of 2024

ascertain whether the compromise is voluntary one, without any threat or coercion. The investigating officer, after due verification, has filed s report as under:

This is to certify that, as directed by this Court in Crl.O.P.(MD)No.4619 of 2024, I personally verified the defacto complainant in Crime No.23 of 2024, 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 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



Crl.O.P.(MD)No.4619 of 2024

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 and she also stated that now they are living together peacefully.

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 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 Crime No.23 of 2024 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,



Crl.O.P.(MD)No.4619 of 2024

this Court is inclined to quash the case though certain offences are non-compoundable, in order to avoid further conflict between the parties.

9. Accordingly, by recording the compromise memo, dated 10.04.2024, this criminal original petition is allowed and the case in Crime No.23 of 2024 pending on the file of the first respondent, is hereby quashed. The joint compromise, dated 10.04.2024, memo shall form part and parcel of this order.

10.04.2024

Index : Yes/No

Internet:Yes

NCC : Yes/No

LS

To

1.The Inspector of Police

Mandapam Police Station,

Ramanathapuram District.

2.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.



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Crl.O.P.(MD)No.4619 of 2024

B.PUGALENDHI,J

LS

Order made in
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