



CrI.O.P.(MD)No.5973 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5973 of 2023

and

CrI.M.P.(MD)No.5243 of 2023

1. T.Rajeshkumar,
(Wrongly mentioned as Rajkumar in FIR)

2. C.Thirunavukkarasu,

3. T.Renganayaki @ Tamil Selvi,

... Petitioners

Vs

State represented by

1. The Inspector of Police,
All Women Police Station,
Pattukottai Taluk,
Thanjavur District.

2. Aarthika,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report in Crime No.21/2022 on the file of the Inspector of Police, All Women Police Station, Pattukottai Taluk, Thanjavur District as against the petitioners concerned alone.



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For Petitioners	: Mr.R.Maheswaran
For R1	: Mr.P.Kottai Chamy Government Advocate(Crl.side)
For R2	: Mr.C.Susikumar

ORDER

The petitioners are accused in Crime No.21 of 2022 on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b), 323 and 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. 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 had harassed the defacto complainant and demanded dowry. Hence the complaint.

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 NIL (which was received by the Registry on 21.03.2024) signed by both the parties, is also



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filed before this Court.

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4.Before entertaining this application on the ground of compromise, this court has directed the investigation officer in Crime No.21 of 2022 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.5973 of 2023, I personally verified the defacto complainant in Cr.No.21 of 2022, for the offence under Sections 294(b), 323 and 506(1) IPC 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 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 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 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 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.21 of 2022 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.



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8. In view of the above development and following the 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 non-compoundable, in order to avoid further conflict between the parties.

9. Accordingly, by recording the compromise memo, dated NIL (which was received by the Registry on 21.03.2024) this criminal original petition is allowed and the case in Crime No.21 of 2022 pending on the file of the first respondent is hereby quashed. The joint compromise memo, NIL (which was received by the Registry on 21.03.2024), shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

08.04.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes
LR



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B.PUGALENDHI,J

LR

To

1. The Inspector of Police,
All Women Police Station,
Pattukottai Taluk,
Thanjavur District.

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

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