



CrI.O.P.(MD)No.5221 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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1.Ramesh

2.Saravanan

3.Manikandan

4.Venkatesh

5.Sathish

6.Kanakar

7.Mathi @ Mathialagan

8.Nainar @ Muthaiah

9.Ramakrishnan

... Petitioners

Vs.

1.State rep by

The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.

(In Crime No.152 of 2018)

2.Parameswari

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned Charge



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Sheet in C.C.No.143 of 2019 on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District in Crime No.152 of 2018 dated 29.09.2018 under Sections 147, 148, 294(b), 323, 324, 506(2), 325 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 on the file of the first respondent Police and quash the same as illegal.

For Petitioner	: Mr.I.Pinaygash
For R1	: Mr.B.Thanga Aravindh, Government Advocate(Crl.side)
For R2	: Mr.N.Arjunkumar

ORDER

The petitioners are accused in C.C.No.143 of 2019 on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District, which was registered for the offence under Sections 147, 148, 294(b), 323, 324, 506(2), 325 IPC and Section 4 of the 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 residing in the same village. The case of the prosecution is that the accused persons abused the defacto complainant in unparliamentary words, attacked her and also threatened her with dire consequences.



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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 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 directed the investigation officer in Crime No.152 of 2018 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 Crl.O.P.(MD)No.5221 of 2024, I personally verified the defacto complainant in Cr.No.152 of 2018/C.C.No.143 of 2019, JM, Shenkottai, for the offence under Sections 147, 148, 294(b), 323, 324, 506(2), 325 IPC and Section 4 of the 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 case, except the victims appeared before this Hon'ble Court today.



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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 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 petitioner



and the second respondent. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Moreover, both of them are now living together. 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 C.C.No.143 of 2019 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, 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 13.03.2024 this criminal original petition is allowed and the case in C.C.No.143 of 2019 pending on the file of the Judicial Magistrate Court, Shenkottai, Tenkasi District is hereby quashed. The joint compromise memo dated 13.03.2024 shall form part and parcel of this order.



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10.However, considering the energy and time spent by the first respondent police at the time of investigation, the second respondent/defacto complainant is directed to pay a sum of Rs.10,000/- to the first respondent police station.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

- 1.The Judicial Magistrate Court,
Shenkottai, Tenkasi District.
- 2.The Inspector of Police,
Ayikudi Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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