



Crl.O.P.(MD)No.10672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10672 of 2024

1. Duragai Moorthi
2. Thangamariyappan

... Petitioners

versus

1. State rep. by
The Sub Inspector of Police,
S.C.Colony Police Station,
Madurai District.

2. Sofiya Komala

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. and Section 528 BNSS to call for the records relating to the impugned charge sheet in C.C.No.1767 of 2022 on the file of Additional Mahila Court, Madurai and quash the same.

For Petitioners	: Mr.V.Raja Sundar
For R1	: Mr.M.Sakthi Kumar, Government Advocate (Crl. side)
For R2	: Mr.S.Vishnuvardhan

ORDER

The petitioners are the accused in C.C.No.1767 of 2022 on the file of the Additional Mahila Court, Madurai, which is pending for the offence under

Sections 294(b), 323, 324 and 506(2) IPC and Section 4 of Tamil Nadu



CrI.O.P.(MD)No.10672 of 2024

Prohibition of Harassment of Women Act, 1998. They have filed this petition to quash the proceedings pending against them.

2. The petitioners and the defacto complainant are relatives. The case of the prosecution is that the petitioners have approached the defacto complainant and taken her jewels. Subsequently, they have pledged the defacto complainant's jewels. On 03.06.2017 at about 3.00 p.m. when the defacto complainant asked the petitioners to return her jewels, they abused her in filthy language, attacked her and also caused injuries. Hence, the case.

3. The Defacto complainant and the petitioners are present before this Court and they have submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 22.07.2024 signed by both the parties, is also filed before this Court.

4. The defacto complainant submits that she is a pastor of a penthecosthe church and as per the words in bible, she pardoned the act of the petitioners and she is not inclined to prosecute the case further.



CrI.O.P.(MD)No.10672 of 2024

5. Before entertaining this application on the ground of compromise, this Court has directed the investigation officer 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.10672 of 2024, I personally verified the defacto complainant in Cr.No.644/17/C.C.No.1767/22 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 C.C.No.1767 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.



CrI.O.P.(MD)No.10672 of 2024

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 22.07.2024, this criminal original petition is allowed and the case in C.C.No.1767 of 2022 pending on the file of the Additional Mahila Court, Madurai, is hereby quashed. The joint compromise, dated 22.07.2024, memo shall form part and parcel of this order.

29.07.2024

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

1. The Additional Mahila Court,
Madurai.
- 2.The Sub Inspector of Police,
S.C.Colony Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.10672 of 2024

B.PUGALENDHI, J.

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Crl.O.P.(MD)No.10672 of 2024

29.07.2024