



CrI.O.P.(MD)No.5622 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5622 of 2024

Ramesh,

... Petitioner

Vs

State represented by

1. The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Crime No.91 of 2023.

2. Gladis Ebenezer,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Charge sheet in C.C.No.105 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and Quash the same.

For Petitioner : Mr.D.Srinivasaragavan

For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

For R2 : Mr.G.Karuppasamy



ORDER

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The petitioner is an accused in C.C.No.105 of 2024 on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, which is pending for the offence under Sections 452, 294(b), 323, 324 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. He has filed this petition to quash the proceedings pending against him.

2.The petitioner / accused and the defacto complainant are husband and wife. The Case of the prosecution is that due to matrimonial dispute, the petitioner undressed the defacto complainant, tied her hands, assaulted on her stomach and caused burn injuries using heated iron rod. Hence the case.

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 02.04.2024 signed by both the parties, is also filed before this Court.

4. Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.91 of 2023 to personally verify with the defacto complainant and to ascertain whether the

<https://www.mhc.tn.gov.in/> compromise is voluntary one, without any threat or coercion. The



CrI.O.P.(MD)No.5622 of 2024

investigating officer, after due verification has filed a report as under:

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This is to certify that, as directed by this Court in CrI.O.P.(MD)No.5622 of 2024, I personally verified the defacto complainant in Cr.No.91 of 2023, for the offence under Sections 452, 294(b), 323, 324 and 506(2) IPC and Section 4 of 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.

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.

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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.105 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, this Court is



CrI.O.P.(MD)No.5622 of 2024

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 02.04.2024, this criminal original petition is allowed and the case in C.C.No.105 of 2024 pending on the file of the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, is hereby quashed. The joint compromise, dated 02.04.2024, memo shall form part and parcel of this order.

17.04.2024

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



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CrI.O.P.(MD)No.5622 of 2024

B.PUGALENDHI,J

LR

To

1.The Judicial Magistrate No.I,
Kuzhithurai,
Kaniyakumari.

2. The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.

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

CrI.O.P.(MD)No.5622 of 2024

17.04.2024