



CrI.O.P.(MD)No.5836 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.5836 of 2024

and

CrI.M.P.(MD)No.4407 of 2024

1. S.Mujibur Rahman,

2. Yunus @ Sardar @ Mohamed Yunus

3. Shajahan,

4. Jerina @ Jerina Begam,

5. Baby @ Parisa Begam,

... Petitioners

Vs

1. The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.
Crime No. 25 of 2012.

2. M.Lailathulnisha,

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the proceedings in C.C No. 246 of 2014 on the file of the Additional Mahila court, Madurai.



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CrI.O.P.(MD)No.5836 of 2024

For Petitioner : Mr.V.Palpandi
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.M.Kaliraj

ORDER

The petitioners are accused in C.C.No.246 of 2014 on the file of the Additional Mahila Court, Madurai, for the offence under Sections 498(A), 406 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. 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 first accused abused the second respondent using filthy language and attacked her. Hence the case.

3.The defacto complainant, her children and the petitioners are present before this Court and they have stated that on the intervention of elders, they have amicably resolved the issue among themselves. A compromise memo, dated 16.04.2024 signed by the parties, is also filed before this Court.



CrI.O.P.(MD)No.5836 of 2024

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4.Before entertaining this application on the ground of compromise, this Court has directed the investigation officer in Crime No.25 of 2012 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.5836 of 2024, I personally verified the defacto complainant in Cr.No.25 of 2012, for the offence under Sections 498(A), 406 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 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 Honourable Supreme Court, while dealing with the compromise quash of a case registered under Section 498-A IPC, reported in **2008 AIR SCW 6814**, in **Dr.Aravind Barsaul etc., Vs State of Madhya Pradesh and another**, has held as follows:-



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“10. We have heard learned counsel for the parties at length. The parties have compromised and the complainant Smt. Sadhna Madhnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under Section 498-A IPC. The appeal is accordingly disposed of.”

6. The Hon'ble Supreme Court in the case of ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujath***, 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



CrI.O.P.(MD)No.5836 of 2024

between the parties, cannot be quashed by this Court.

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7.The parties are present. This Court has verified the parties with their Aadhaar cards and also verified about the present status. The defacto complainant has expressed her willingness to solve the issue.

8.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, the second respondent and their respective families only. The defacto complainant herself has categorically submitted that she does not want to prosecute the case any further, in view of the compromise arrived at between them. Even otherwise, quashing this case will not have any overriding public interest. Under such circumstances, no useful purpose will be served in keeping the case in C.C.No.246 of 2014 pending, even though, some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the petitioners, second respondent and their families.

9.In view of the above development and following the ratio laid down by the Hon'ble Supreme Court, this Court is inclined to quash the proceedings



Crl.O.P.(MD)No.5836 of 2024

though certain offences are non-compoundable in order to avoid further conflict between the parties.

10.Accordingly, this criminal original petition is allowed and the case in C.C.No.246 of 2014 pending on the file of the Additional Mahila Court, Madurai, is hereby quashed. The joint compromise memo, dated 16.04.2024 shall form part and parcel of this order. Consequently, the connected miscellaneous petition is closed.

11.Considering the energy and time spent by the respondent police during the course of investigation, the petitioners are directed to pay a sum of Rs.10,000 to the respondent police station.

17.04.2024

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



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CrI.O.P.(MD)No.5836 of 2024

B.PUGALENDHI,J

LR

To

1.The Additional Mahila Court,
Madurai.

2. The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai City.

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

CrI.O.P.(MD)No.5836 of 2024

17.04.2024