



CrI.O.P.(MD)No.6423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.6423 of 2024

1.P.Raghavan

2.R.Lakshmi Prabavathy

3.Pavithra

4.Prasanna Venkatesh

... Petitioners

Vs.

1.The State Rep.by
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
(Crime No.23 of 2021)

2.Vithya Lakshmi ... Respondents
(R2's name amended as per order of this Court made in CrI.M.P.
(MD)No.5527 of 2024 in CrI.O.P.(MD)No.6423 of 2024 dated
07.06.2024.)

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the case in C.C.No.24 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram and quash the same as against the petitioners.

<https://www.mhc.tn.gov.in/judis>



CrI.O.P.(MD)No.6423 of 2024

For Petitioners : Mr.R.Anand
For R1 : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)
For R2 : Mr.S.Ashok

ORDER

The petitioners are accused in C.C.No.24 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram, which was registered for the offence under Sections 498(A), 406 & 506(i) 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 against them.

2.The petitioners/accused and the defacto complainant are belong to the same family. The case of the prosecution is that after marriage, all the accused persons harassed the second respondent by demanding additional dowry. Hence, she lodged a complaint.

3.The petitioners and the defacto complainant are present before

<https://www.mhc.tn.gov.in/judis> this Court and submitted that on the intervention of the elders, they have



CrI.O.P.(MD)No.6423 of 2024

amicably resolved their issue. A compromise memo, dated 25.04.2024

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 investigating officer namely the Inspector of Police, All Women Police Station, Dindigul Town, Dindigul District in Crime No.23 of 2021 to personally verify with the defacto complainant and to ascertain whether the compromise is a 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.13543 of 2023, I personally verified the defacto complainant in Cr.No.6 of 2018, C.C.No.24 of 2024 and ascertained that the compromise arrived between the accused and the defacto complainant/victim 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 victim appeared before this Hon'ble Court today.



WEB COPY

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:-

“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 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.

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.24 of 2024



CrI.O.P.(MD)No.6423 of 2024

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 Honourable Supreme Court, this Court is inclined to quash the proceedings, though certain offence are non-compoundable, in order to avoid further conflict between the parties.

10.In view of the same, by recording the joint compromise memo dated 25.04.2024 filed by the parties, this criminal original petition is allowed and the case in C.C.No.24 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram is hereby quashed. The joint compromise memo dated 25.04.2024 shall form part and parcel of this order.

07.06.2024

Index : Yes/No

Internet: Yes

<https://www.mhc.tn.gov.in/judis>



WEB COPY

To



Crl.O.P.(MD)No.6423 of 2024

- 1.The Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram.
2. The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.6423 of 2024

B.PUGALENDHI,J

gns

CrI.O.P.(MD)No.6423 of 2024

07.06.2024