



CrI.O.P.(MD)No.9092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

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1. Bhuvaneshwar,
2. Karunanithi,
3. Muthulakshmi,
4. Renugadevi,
5. Muthukumar

... Petitioners

Vs

1. State rep. by  
The Inspector of Police,  
Thallakulam All Women Police Station,  
Madurai District.  
(Crime No.15/2024)

2. Priyanka

... Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, call for the records pertaining to FIR in Crime No.15 of 2024, under Section 498A, 406 IPC on the file of the 1<sup>st</sup> Respondent Police and quash the same as illegal as against the Petitioners/Accused.

For Petitioner : Mr. D.Balamurugapandi

For R1 : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

For R2 : Mr.T.Venkatesan



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## **ORDER**

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This Criminal Original Petition is filed to quash the First Information Report in Crime No.15 of 2024 pending on the file of the first respondent police, insofar as the petitioners are concerned.

2.The petitioner and the defacto complainant are relatives. The case of the prosecution is that there is a matrimonial dispute between the first petitioner/A1 and the defacto complainant. Based on the complaint of the defacto complainant, a case has been registered in Crime No.15 of 2025 for the offence under Section 498A and 406 of IPC as against the petitioners.

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 27.06.2024 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.15 of 2024 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:



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*This is to certify that, as directed by this Court in CrI.O.P.(MD)No.9092 of 2024, I personally verified the defacto complainant in Cr.No.15 of 2024, for the offence under Sections 498A and 406 IPC 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.*

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



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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 Crime No.15 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. Accordingly, by recording the compromise memo, dated 27.06.2024 this criminal original petition is allowed and the proceedings in Crime No.15 of 2024, on the file of the first respondent, is hereby quashed. The joint compromise memo, dated 27.06.2024, shall form part and parcel of this order.

**08.07.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes  
jbr



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**B.PUGALENDHI,J**

jbr

To

1. The Inspector of Police,  
Thallakulam All Women Police Station,  
Madurai District.

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

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