



CrI.O.P.(MD)No.9835 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9835 of 2024

and

CrI.M.P.(MD)Nos.6709 & 6710 of 2024

Anu Babu

... Petitioner

Vs

1. State rep. by
The Inspector of Police,
All Women Police Station, Kanniyakumari,
Kanniyakumari District.
(Crime No. 10/2021)

2. Amala Bensi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the C.C No. 60 of 2022 on the file of the Additional Mahila court, Nagercoil, Kanniyakumari District and quash the same as against the petitioner herein as illegal.

For Petitioner

: Mr.G.Anto Prince,

For R1

: Mr.M.Sakthi Kumar
Government Advocate (CrI. side)

For R2

: Mr.M.Pozhilan



CrI.O.P.(MD)No.9835 of 2024

WEB COPY

ORDER

The petitioner is an accused in C.C.No.60 of 2024 on the file of the Additional Mahila Court, Nagercoil, Kanniyakumari District, which is pending for the offence under Sections 498(A), 406 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1), 4 and 6 of Dowry Prohibition Act, 1961. He has filed this petition to quash the proceedings pending against him.

2.The petitioner / accused and the defacto complainant are relatives. The case of the prosecution is that due to matrimonial dispute, the accused harassed the defacto complainant and her child and demanded dowry. Hence the complaint.

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 01.07.2024 signed by both the parties, is also filed before this Court.

4.Before entertaining this application on the ground of compromise,



Crl.O.P.(MD)No.9835 of 2024

this Court has directed the investigation officer in C.C.No,60 of 2022 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 Crl.O.P.(MD)No.9835 of 2024, I personally verified the defacto complainant in Cr.No.10 of 2021, for the offence under Sections 498(A), 406 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1), 4 and 6 of Dowry Prohibition Act, 1961 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:-

“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 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.

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 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.60 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.

9.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.



CrI.O.P.(MD)No.9835 of 2024

WEB COPY

10. Accordingly, by recording the compromise memo, dated 01.07.2024, this criminal original petition is allowed and the case in C.C.No. 60 of 2022 pending on the file of the Additional Mahila Court, Nagercoil, Kanniyakumari District, is hereby quashed. The joint compromise, dated 01.07.2024, memo shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

15.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Additional Mahila Court, Nagercoil,
Kanniyakumari District.

2. The Inspector of Police,
All Women Police Station, Kanniyakumari,
Kanniyakumari District.

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



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CrI.O.P.(MD)No.9835 of 2024

B.PUGALENDHI,J

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CrI.O.P.(MD)No.9835 of 2024

15.07.2024