



CrI.O.P.(MD)No.13543 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.06.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.13543 of 2023
and CrI.MP(MD) Nos.10568 & 10574 of 2023

1.Selvaraj

2.Palaniammal

3.Kamaraj

4.Murugesan

5.Selvarasi

6.Loganayaki

7.Rajeshkumar

... Petitioners

(P3 to P7 are impleaded as per order of the Court dated 29.09.2023 in CrI.M.P.(MD)No.13862 of 2023 I CrI.O.P.(MD)No.13543 of 2023)

Vs

1.The State Rep by
The Inspector of Police,
All Women Police Station,
Dindigul Town,
Dindigul District.
(Crime No.6 of 2018)

2.Preethi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.210 of 2019



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on the file of the Additional Mahila Court, Dindigul, Dindigul District and quash the same against the petitioners.

For Petitioners	: Mr.N.Marimuthu
For R1	: Mr.P.Kottaichamy, Government Advocate (Crl.side)
For R2	: Mr.S.Poornachandran

ORDER

The petitioners are accused in C.C.No.210 of 2019 on the file of the Additional Mahila Court, Dindigul, Dindigul District, which was registered for the offence under Sections 498A, 420, 406, 323, 506(i) & 294(b) 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 case of the prosecution is that the second respondent and the first accused are husband and wife and other accused are in-laws. After marriage, all the accused attacked the second respondent. Hence, she lodged a complaint.



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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.6 of 2018 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, registered for the offence under Sections 498A, 420, 406, 323, 506(i) & 294(b) IPC and Section 4 of the Tamil Nadu Prohibition of



Harassment of Women Act, 2002 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.”



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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



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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.210 of 2019 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.Accordingly, by recording the joint compromise memo dated 17.04.2024 filed by the parties, this criminal original petition is allowed and the case in C.C.No.210 of 2019 on the file of the Additional Mahila



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Court, Dindigul, Dindigul District is hereby quashed. The joint compromise memo dated 17.04.2024 shall form part and parcel of this order. Consequently, connected Miscellaneous Petitions are closed.

07.06.2024

NCC : Yes/No
Index : Yes/No
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To

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



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B.PUGALENDHI,J

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