



CrI.O.P.(MD)No.10617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10617 of 2024

1. Senthil Kumar
2. Maheshwari
3. Suganthi
4. Kaliyappan
5. Ramya
6. Kavitha

... Petitioners

versus

1. State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul.

2. Srija

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS and under Section 482 Cr.P.C. to call for records relating to the charge sheet in C.C.No.50 of 2022 on the file of the learned Additional District Munsif cum Judicial Magistrate, Vedasanthur and quash the same as against the petitioners are concerned.

For Petitioner	: Mr.B.Azhagesh
For R1	: Mr.M.Sakthi Kumar, Government Advocate (CrI. Side)
For R2	: Mr.P.Praveen Kumar



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ORDER

The petitioners are the accused in C.C.No.50 of 2022 on the file of the Additional District Munsif cum Judicial Magistrate, Vedasanthur, which was registered for the offence under Sections 294(b), 498(A) and 506(i) IPC. They 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 accused persons harassed the defacto complainant/2nd respondent by way of demanding dowry and also threatened her.

3. The petitioners and defacto complainant are present before this Court and they have submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 08.07.2024 signed by the parties, is also filed before this Court.

4. The defacto complainant also submits that they have agreed to separate mutually and also obtained a decree of mutual divorce. Therefore, she is not inclined to prosecute the case further.



5. Before entertaining this application, on the ground of compromise, this Court has also directed the Investigation Officer 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.10617 of 2024, I personally verified the defacto complainant in Cr.No.3 of 2020, C.C.No.50 of 2022 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.”

6. 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.”

7. 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.

8. The parties are present. This Court verified the identity of the parties with their Aadhaar cards and also verified the present status. The defacto



complainant has expressed her willingness to solve the issue.

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9. 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.50 of 2022 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.

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



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11. Accordingly, this Criminal Original Petition is allowed and the case in C.C.No.50 of 2022 pending on the file of the Additional District Munsif cum Judicial Magistrate, Vedasanthur, is hereby quashed. The joint compromise memo, dated 08.07.2024 shall form part and parcel of this order.

29.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1. The Additional District Munsif cum Judicial Magistrate,
Vedasanthur.
2. The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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