



WEB COPY



CrI.O.P.(MD)No.15261 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.15261 of 2023
and CrI.M.P.(MD)Nos.12102 and 12103 of 2023

1. Sushila
2. Sandha
3. Narandhran

... Petitioners

versus

1. State Rep. by
The Inspector of Police,
Gandamanur Vilaku Police Station,
Theni.

2. Saradha

3. Gobukumar
(R3 is *suo motu* impleaded as per order
dated 30.11.2023)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned final report in C.C.No.446 of 2019 dated 30.10.2019 before the learned Judicial Magistrate, Andipatti and quash the same as illegal sofaras the petitioners are concerned.

For Petitioners	: Mr.S.M.A.Jinnah
For R1	: Mr.P.Kottaichamy, Government Advocate (CrI. side)
For R2	: Mr.R.Venkatesan

ORDER

The petitioners are the accused in C.C.No.446 of 2019 on the file of the

<https://www.mhc.tn.gov.in/> learned Judicial Magistrate, Andipatti, for the offence under Sections 294(b),



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323, 341 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. They have filed this petition to quash the proceedings pending against them.

2. The petitioners are mother-in-law, sister-in-law and brother-in-law of the second respondent/defacto complainant. The defacto complainant was married to the 3rd respondent 11 years ago and out of their wedlock, they have no issue. Therefore, the defacto complainant has undergone IVF treatment. Since the 3rd respondent has not shown any interest in the treatment, the defacto complainant requested him to co-operate for treatment, but, he demanded money from her parents to meet out the medical treatment. When she refused to do the same, the 3rd respondent attacked her. The petitioners, instead of pacifying their quarrel, abused her in filthy language. Hence, the case.

3. The Defacto complainant and the accused 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 23.07.2024 signed by both the parties, is also filed before this Court.

4. 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.

5. 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.

6. 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 and the second respondent. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Even otherwise, quashing this case, will not affect any overriding public interest in



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this case. Under such circumstances, no useful purpose will be served in keeping the case in C.C.No.446 of 2019 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.

7. 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.

8. Accordingly, by recording the compromise memo, dated 23.07.2024, this criminal original petition is allowed and the case in C.C.No.446 of 2019 pending on the file of the learned Judicial Magistrate, Andipatti, is hereby quashed. The joint compromise memo, dated 23.07.2024, shall form part and parcel of this order. Consequently, connected miscellaneous petitions are closed.

29.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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B.PUGALENDHI,J

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To

1. The Judicial Magistrate,
Andipatti.
2. The Inspector of Police,
Gandamanur Vilaku Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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