



Crl.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

and

Crl.M.P.(MD)Nos.12395, 12397 of 2022, 15820 & 15822 of 2023

S.Priya

... Petitioner in
Crl.O.P.(MD)No.18477 of 2022

N.Ananthan

... Petitioner in
Crl.O.P.(MD)No.20234 of 2023

1.Rajakumari

2.Natarajan

... Petitioners in
Crl.O.P.(MD)No.20228 of 2023

Vs

1.State rep by

The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirappalli,
Crime No.5 of 2021.

2.Deepika

... Respondents in all Crl.OPs.

Common Prayer : Criminal Original Petitions filed under Section 482
of the Code of Criminal Procedure, to call for the entire records in CC



Crl.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

No.645 of 2022 on the file of the learned Judicial Magistrate Additional Mahila Court, Trichy and quash the same.

For Petitioners : Mr.C.Vakeeswaran
For R1 : Mr.M.Sakthi Kumar
Government Advocate(Crl.side)
For R2 : Mr.S.K.Mani
(In all Crl.OPs)

COMMON ORDER

The petitioners are the accused in CC No.645 of 2022 on the file of the Judicial Magistrate (Additional Mahila) Court, Trichy for the offence under Sections 498(A), 323, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961. They have filed these petitions to quash the proceedings pending as against them.

2.The petitioners / accused are sister-in-law, mother-in-law and the husband of the defacto complainant. The Case of the prosecution is that due to matrimonial dispute, the accused persons abused the second respondent using filthy language and attacked her. Hence the case.



3.The defacto complainant, her children and the petitioners are present before this Court and they have stated that as directed by this Court, they have appeared before the Mediation Centre attached to this Court, where, on the intervention of Mediator, they have amicably resolved the issue among themselves. A compromise memo, dated 30.01.2024 signed by 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.5 of 2021 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)Nos.18477 of 2022 and 20228, 20234 of 2023, I personally verified the defacto complainant in Cr.No.5 of 2021, for the offence under Sections 498(A), 323, 506(ii) of IPC and Section 4 of Dowry Prohibition Act, 1961 and ascertained that the compromise arrived between the accused and the defacto complainant/victim in the above case is voluntary, without any threat or



WEB COPY



CrI.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

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.”



CrI.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

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



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.645 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.

9.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 offences are non-compoundable in order to avoid further conflict between the parties.

10.Accordingly, these criminal original petitions are allowed and the case in CC No.645 of 2022 on the file of the Judicial Magistrate (Additional Mahila) Court, Trichy, is hereby quashed. The joint compromise memo, dated 30.01.2024 shall form part and parcel of this



CrI.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

order. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

22.07.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes

VRN

To

1.The Judicial Magistrate Additional Mahila Court, Trichy

2.The Inspector of Police,
All Women Police Station,
Srirangam,
Tiruchirappalli.

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



WEB COPY



CrI.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023

B.PUGALENDHI,J

VRN

Common order made in
CrI.O.P.(MD)Nos.18477 of 2022 and 20228, 20234 of 2023
and
CrI.M.P.(MD)Nos.12395, 12397 of 2022, 15820 & 15822 of 2023

22.07.2024