



Crl.O.P.(MD)No.22987 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.22987 of 2023

1. Balu @ Palraj
2. Ananth @ Anantharaja
3. Rajkumar

... Petitioners

Vs

- 1.The Sub Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
Crime No.921 of 2020.

- 2.S.Nithiya

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and to quash the FIR in Cr.No.921 of 2020 pending on the file of the 1st Respondent Police.

For Petitioners

: Mr.R.Rajamohan

For R1

: Mr.M.Sakthi Kumar

Government Advocate(Crl.side)

For R2

: Mr.B.Raghuvaran



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ORDER

The petitioners are the accused in Crime No.921 of 2020, on the file of the first respondent Police Station, which was registered for the offence under Sections 294(b) of IPC r/w 4 of TNPHW Act. They have filed this petition to quash the proceedings pending as against them.

2.The petitioners / accused and the defacto complainant are neighbours. The case of the prosecution is that there was a wordy altercation between the petitioners and the defacto complainant, due to which, they have abused her in a filthy language.

3.The petitioners and the defacto complainant are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issues and Joint compromise memo, dated 20.12.2023 signed by both the parties have also been filed before this Court to that effect.



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4.Before entertaining these applications, on the ground of compromise, this Court has directed the investigating officer namely the Sub Inspector of Police, Usilampatty Town Police Station in Crime No.921 of 2020 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.22987 of 2023, I personally verified the defacto complainant in Cr.No.921 of 2020, for the offence under Sections 294(b) of IPC r/w 4 of TNPHW Act and ascertained that the compromise arrived between the accused and the defacto complainant 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 Hon'ble Supreme Court in the case of **Parbathbhai**



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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.

6.The parties are present. This Court has 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.

7.In the present case, the offences in question are purely



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individual/personal in nature. 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 submitted that she do not want to prosecute the case any further, quashing the FIR, will not affect any overriding public interest in this case. On the other hand, keeping the same pending will only swell the mental agony of the parties. Under such circumstances, no useful purpose will be served in keeping the FIR pending, even though, the offences involved are not compoundable in nature.

8. In view of the above development and the following guidelines issued by the Honourable Supreme Court in these cases referred supra , this Court is inclined to quash the proceedings in order to avoid further conflict between the parties, though certain offence are non-compoundable.

9. Accordingly, by recording the compromise memo, dated



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20.12.2023, this criminal original petition is allowed and the case in Crime No.921 of 2020 pending on the file of the first respondent is hereby quashed. The joint compromise memo, dated 20.12.2023 shall form part and parcel of this order.

22.07.2024

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Sub Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
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22.07.2024