



Crl.O.P.(MD)No.23022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.23022 of 2023

1.B.Karthik

2.Baskar

3.Meenakumari

... Petitioners

Vs.

1.The State rep.by
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.

2.Thenuka

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records to the case in Crime in FIR No.22 of 2023 on the file of the first respondent and quash the same and consequently, allow the present criminal original petition.

For Petitioners : Mr.S.Sekar

For R1 : Mr.M.Sakthi Kumar,
Government Advocate(Crl.side)

For R2 : Mr.R.Amarnath



ORDER

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The petitioners are accused in Crime No.22 of 2023 on the file of the first respondent Police Station, which was registered for the offence under Sections 498(A) and 406 IPC. They have filed the present petition to quash the proceedings pending as against them.

2.The petitioners/accused and the defacto complainant are belong to the same family. The case of the prosecution is that the petitioners herein harassed the second respondent by demanding additional dowry. Hence, the case.

3.The defacto complainant and the petitioners are present before this Court and they submitted that on the intervention of the elders, they have amicably resolved their issue. A compromise memo, dated 02.01.2024 signed by both 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.22 of 2023 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

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defacto complainant in Cr.No.22 of 2023 for the offence under Sections 498(A) and 406 IPC 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.

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.”



6.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.

7.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 FIR in Cr.No.22 of 2023 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.

8.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.



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9.In view of the same, by recording the joint compromise memo dated 02.01.2024 filed by the parties, this criminal original petition is allowed and the case in Cr.No.22 of 2023 on the file of the first respondent is hereby quashed. The joint compromise memo dated 02.01.2024 shall form part and parcel of this order.

05.04.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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B.PUGALENDHI,J

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To

- 1.The Inspector of Police,
All Women Police Station,
Srirangam, Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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