

CrIOP(MD)No.1666 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.1666 of 2025

and

CrIMP(MD)No.1151 of 2025

1.Mohamed Parees Nauffil

2.Musthiri Banu

3.Mubarak Ali

4.Hyder Ali

5.Madina Begum

6.Jawahar Ali

7.Shajitha Begum

... Petitioners

Vs

1.The State of Tamil Nadu

The Inspector of Police,

All Women Police Station, Cantonment,

Trichy City.

[Crime No.20 of 2024]

2.N.Osheen Fazeena

... Respondents

The Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the impugned FIR in Crime No.20 of 2024 on the file of the 1st respondent police and quash the same.



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For Petitioners : Mr.S.Gokulraj
For R1 : Mr.P.Kottaichamy
Government Advocate(Crl.side)
For R2 : Mr.S.Ramasundarvijayraj

ORDER

The petitioners are accused in Crime No.20 of 2024 on the file of the 1st respondent police, which was registered for the offence under Sections 498(A) and 506(2) IPC. They have filed this application to quash the proceedings pending against them, on the ground that the issue has been amicably settled among themselves.

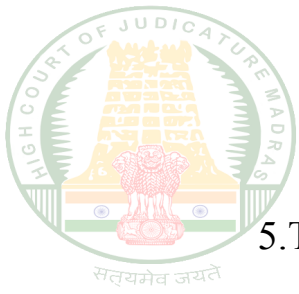
2.The case has been registered for the offence u/s 498(A) and 506(2) IPC of which, the offence u/s.498A IPC is non compoundable. However, the Hon'ble Supreme Court, in *Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath* [2017 9 SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* [(2019) 2 MLJ Crl 10], has given sufficient guidelines that must be taken into consideration by the Court while exercising its jurisdiction under Section 482 of Cr.P.C [528 BNSS], to quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine whether 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.

3. Here, the prosecution case is the 1st petitioner and the 2nd respondent / defacto complainant are husband and wife. Their marriage was conducted by her father by spending Rs.40 lakh by giving a car and 200 soverigns of gold jewels as dot. After the marriage the 1st petitioner often quarrelled with her and assaulted her. Therefore, she was driven to leave the matrimonial home. Even then the 1st petitioner was quarrelling with her. Hence the case came to be registered.

4. Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition, ordered notice and also directed the investigation officer to ascertain as to whether the compromise arrived between the parties is a voluntary one, without any threat or coercion.



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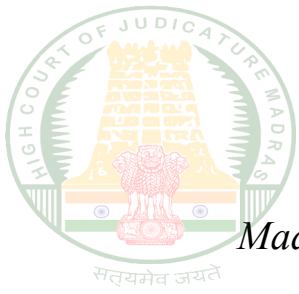
5.The petitioners and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 29.01.2025.

6.The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

7.This Court has verified the parties with their Aadhaar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.

8.The Hon'ble Supreme Court, in ***Dr.Aravind Barsaul etc., v. State of Madhya Pradesh and Another*** [2008 AIR SCW 6814], while entertaining an appeal arising from the refusal to quash the proceedings registered for the offence u/s.498A IPC on the ground of compromise, has held as follows:-

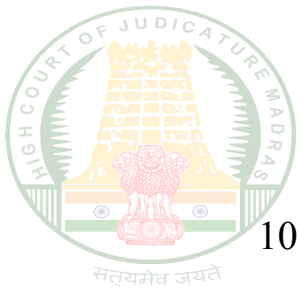
*“10.We have heard learned counsel for the parties at length.
The parties have compromised and the complainant Smt.Sadhna*



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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.”

9. In the case on hand, the offences 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 2nd respondent / defacto complainant and their respective families only. Quashing the case will not affect any overriding public interest. The defacto complainant herself has submitted that she does not want to prosecute the case any further. Under such circumstances, no useful purpose will be served in keeping the case pending, even though one of the offences involved is non compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.



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10. In view of the above position 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 one of the offences is non-compoundable, in order to avoid further conflict between the parties.

11. Accordingly, this original petition is allowed and the proceedings in Crime No.20 of 2024 on the file of the 1st respondent police is hereby quashed. The joint compromise memo dated 29.01.2025 signed by the parties, shall form part and parcel of this order. Consequently connected miscellaneous petition is closed.

04.07.2025

DSK

To

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



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B.PUGALENDHI, J.

DSK

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