

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

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CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9301 of 2025

1.Ranjithkumar

2.Ganesan

3.Ulagammal

4.Roja

.... Petitioners

Vs

1.State of Tamil Nadu rep. by its,

The Inspector of Police,

All Women Police Station,

Aruppukottai,

Virudhunagar District.

(Crime No.19 of 2023)

2.Pushpalatha

.... Respondents



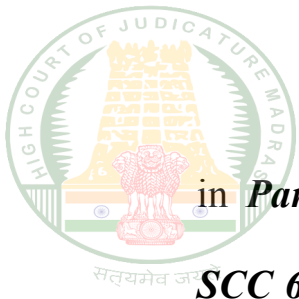
Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in Crime No.19 of 2023 on the file of the All Women Police Station, Aruppukkottai, Virudhunagar District, and quash the same.

For Petitioners : Mr.N.Mohideen Basha
For Respondents : Mr.P.Kottai Chamy (for R1)
Government Advocate(Crl.side)
Mr.S.Viswanathan (for R2)

ORDER

The petitioners are accused Nos.1 to 4 in Crime No.19 of 2023, registered for the offence under Sections 498(A) and 406 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, on the file of the first respondent Police. They have filed this application to quash the proceedings pending against them in Crime No.19 of 2023, on the ground that the issue has been amicably settled among themselves.

2. The case has been registered for the offence under Sections 498(A) and 406 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, of which, the offence under Section 498(A) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, is not compoundable. However, the Hon'ble Supreme Court,



in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* [2017 9

SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and*

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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, 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 that the first petitioner and the second respondent/defecto complainant are husband and wife. The marriage between the first petitioner and the defacto complainant was solemnized on 26.11.2020 at C.S.I.Church, Aruppukottai. At the time of marriage, the second respondent's parents gave 20 ³/₄ sovereign of gold jewels and sridhana articles worth about Rs.4,00,000/- as dowry to the first petitioner. On 15.05.2025, they blessed with girl child. Thereafter, the first petitioner and her in-laws harassed the second respondent and

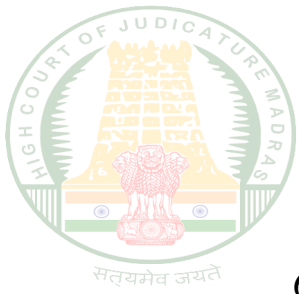


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threatened her for divorce. Hence, the present case in Crime No.19 of 2023, has been registered against them. The petitioners had already filed a quash petition in Crl.O.P.(MD).No.22698 of 2023 before this Court. Meanwhile, the second respondent herein filed a D.V.C.No.10 of 2023 on the file of the learned Judicial Magistrate, Aruppukottai, Virudhunagar District. Subsequently, the learned Judicial Magistrate, referred the case to Lok Adalat. In the Lok Adalat, a compromise has been attained between the parties. Hence, the petitioners herein have withdrawn earlier quash petition on 28.03.2025. Now, the petitioners have filed this quash petition only on the ground of compromise.

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.

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 11.06.2025.



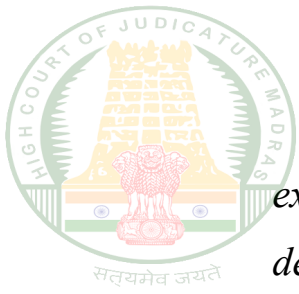
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6. The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

7. This Court has verified the parties with their Aadhar 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 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

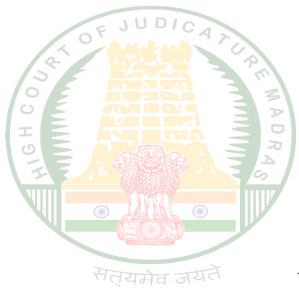


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exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under Section 498-A IPC. The appeal is accordingly disposed of.”

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 petitioner(s) and the second 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 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 parties.

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



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11. Accordingly, this original petition is allowed and the proceedings in Crime No.19 of 2023 on the file of the first respondent is hereby quashed. The joint compromise memo dated 11.06.2025, signed by the parties, shall form part and parcel of this order.

27.06.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

vsg

To

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



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vsg

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