



Crl.O.P.(MD)No.7536 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.7536 of 2025

1. P.Saravana Balaji
- 2.Palani
- 3.Lalitha
- 4.Rekha

... Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep by the Inspector of Police,
AWPS- Thilagar Thidal Police Station,
Madurai.
Crime No.20 of 2023

- 2.B.Nandhini

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the impugned charge sheet in CC No.2041 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioner	: Mr.M.Sankari
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate(Crl.side)
For R2	: Mr.S.Parthiban



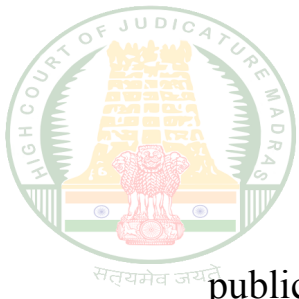
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ORDER

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The petitioners are accused in CC No.2041 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, for the offence under Sections 498A and 406 IPC. They have moved this Criminal Original Petition to quash the above proceedings pending against them, on the ground that the issue has been amicably settled between the petitioners and the defacto complainant.

2. The case has been registered for the offence under Sections 498A and 406 IPC, of which, the offence under Section 498A 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 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



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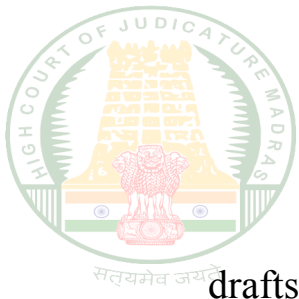
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public interest. It has been repeatedly cautioned that offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that the petitioners are the husband and in-laws of the defacto complainant. They have harassed the defacto complainant, by demanding additional dowry. Based on the complaint of the defacto complainant, the case has been registered as against the petitioners.

4. Therefore, 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 due to some misunderstanding between the defacto complainant and her husband, a complaint has been lodged, now they have resolved the issue amicably. Two demand



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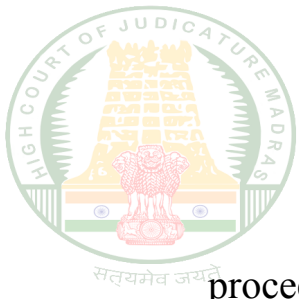
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drafts in DD Nos.021717 and 021721 for a sum of Rs.38 Lakhs and Rs.37 Lakhs respectively have been handed over by the petitioners to the defacto complainant, who is present before this Court as one time settlement and therefore, she is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo dated, 02.04.2025 and a Memorandum of Settlement Agreement, dated 24.03.2025.

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 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



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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 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 involve the petitioners and the second respondent / defacto complainant and their respective families only. 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



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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.

11. Accordingly, this original petition is allowed and the proceedings in CC No.2041 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai is hereby quashed. The joint compromise memo dated, 02.04.2025 and Memorandum of Settlement Agreement, dated 24.03.2025 signed by the parties, shall form part and parcel of this order.

07.07.2025

NCC : Yes/No

Index : Yes/No

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- To
- 1.The Judicial Magistrate, Additional Mahila Court, Madurai.
 - 2.The Inspector of Police,
AWPS- Thilagar Thidal Police Station,
Madurai.



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B.PUGALENDHI,J

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Order made in
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