

CrIOP(MD)No.13173 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2025

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrIOP(MD)No.13173 of 2024

1.M.Ramakrishnamoorthy

2.R.Kaliyammal

3.M.Kaleeswari

4.R.Manikandamoorthy

... Petitioners

Vs

1.The State of Tamil Nadu
The Inspector of Police,
All Women Police Station,
Keelakkarai,
Ramanathapuram District.
[Crime No.15 of 2023]

2.M.Maheshwari

... Respondents

The Criminal Original Petition filed under Section 528 BNSS, to call for the records relating to the impugned charge sheet in CC.No.90 of 2024 pending on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram District and quash the same as against the petitioners.

For Petitioners	: Mr.N.Marimuthu
For R1	: Mr.M.Vaikkam Karunanidhi Government Advocate(Crl.side)
For R2	: Mr.A.Chandrasekar



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ORDER

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The petitioners are accused in CC.No.90 of 2024 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram District and they are facing the charges for the offence under Sections 498(A) and 406 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 final report has been filed for the offence u/s 498(A) and 406 of which, the offence u/s.498A IPC is non 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 public interest. It has been repeatedly cautioned that offences against the society with overriding



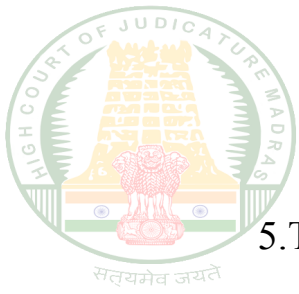
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public interest even if it gets settled between the parties, cannot be quashed

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3. Here, the prosecution case is that the 4th petitioner and the 2nd respondent / defacto complainant are husband and wife. The petitioners collected the jewels from the 2nd respondent for arranging job for the 4th respondent, but neither they returned the jewels nor had he got any job. Further received dowry of Rs.4 Lakh in the year 2022 and thereafter they received a sum of Rs.5.5 lakh. They had also taken the money from the 2nd respondent's bank account. When she questioned the same petitioners had harassed her and had driven out of matrimonial house. Therefore, the complaint came to be lodged and final report has also been filed after investigation.

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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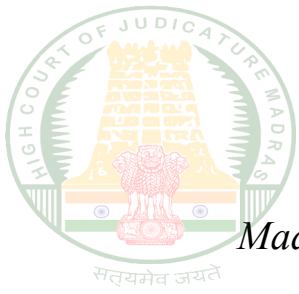
5.The petitioners and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 23.06.2025.

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:-

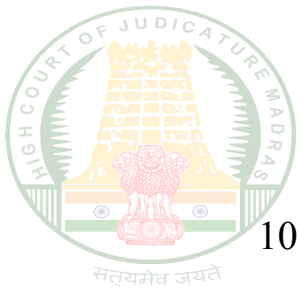
*“10.We have heard learned counsel for the parties at length.
The parties have compromised and the complainant Smt.Sadhna*



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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 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.90 of 2024 on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram is hereby quashed. The joint compromise memo dated 23.06.2025 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 Judicial Magistrate,
Additional Mahila Court,
Ramanathapuram District.
- 2.The Inspector of Police,
All Women Police Station,
Keelakkarai, Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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