



CrI.O.P.(MD)Nos.11766 of 2025 and 10783 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)Nos.11766 of 2025 and 10783 of 2024

and

CrI.M.P.(MD)No.7181 of 2024

CrI.O.P.(MD)No.11766 of 2025

1. Selvaganesh
2. Arumugam
3. Devagi

... Petitioners

versus

1. State of Tamilnadu, rep. by
The Inspector of Police,
AWPS – Rajapalayam Police Station,
Virudhunagar District.

2. Thilagakani

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records of the impugned proceedings in C.C.No.40 of 2024 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District and quash the same as illegal.

For Petitioners : Mr.R.Muthuram

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (CrI. Side)

For R2 : M/s.V.Sasi Prabha



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Crl.O.P.(MD)No.10783 of 2024

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Durgaparvathi @ Gowsalya

... Petitioner

versus

1. State of Tamilnadu, rep. by
The Inspector of Police,
AWPS – Rajapalayam Police Station,
Virudhunagar District.

2. Thilagakani

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records of the impugned proceedings in C.C.No.40 of 2024 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District and quash the same as against this petitioner.

For Petitioner : Mr.K.Jeyamohan

For R1 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

For R2 : Mr.R.J.Karthick

COMMON ORDER

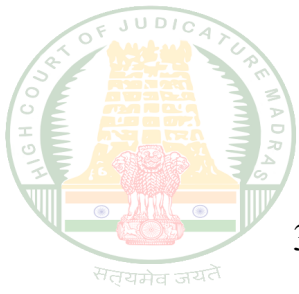
The 1st petitioner in Crl.O.P.(MD)No.11766 of 2025 is the husband of the 2nd respondent/defacto complainant. The petitioners 2 and 3 in Crl.O.P. (MD)No.11766 of 2025 and the petitioner in Crl.O.P.(MD)No.10783 of 2024 are in-laws of the 2nd respondent. They are the accused Nos.1 to 4 in C.C.No. 40 of 2024 pending on the file of the Additional Mahila Court, Srivilliputhur,



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Virudhunagar District and they are facing the charges for the offence under Sections 498(A), 406, 294(b), 323 and 506(i) IPC. Now, they moved these petitions to quash the proceedings in C.C.No.40 of 2024 pending against them, on the ground that the issue has been amicably settled among themselves.

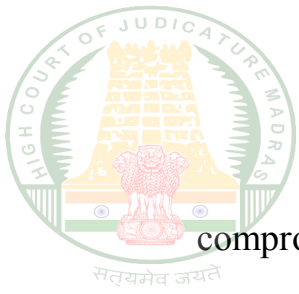
2. The final report has been filed for the offence under Sections 498(A), 406, 294(b), 323 and 506(i) IPC, of which, the offence under Sections 498(A) and 294(b) IPC are non compoundable. However, the Hon'ble Supreme Court, in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath* [2017 9 SCC 641] and in *The State of Madhya Pradesh Vs. Dhruv Gurjar and Another* [(2019) 2 MLJ CrI 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.



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3. Here, the prosecution case is that the 1st petitioner and the 2nd respondent got married in the year 2020 and at the time of marriage, the parents of the 2nd respondent gifted 27 ½ sovereigns of gold and other sridhana articles. After marriage, the 1st petitioner and the 2nd respondent started their life in the matrimonial house. In the year 2021, all the petitioners said to have demanded the gold jewels that were presented at the time of marriage and when the 2nd respondent refused to hand over the gold jewels, the petitioners said to have abused the 2nd respondent in filthy language and thereafter, the 2nd respondent handed over the gold jewels to the petitioners. Further, the 2nd respondent went to Kerala to reside along with the 1st petitioner. The 1st petitioner, hearing the words of the petitioners 2 and 3, had physically abused the 2nd respondent. Thereafter, the 2nd respondent had left the 1st petitioner and went to her parents. On 27.08.2023 at about 3.30 a.m., the 1st petitioner herein went to the house of the 2nd respondent and abused all the family members of the 2nd respondent using filthy language and threatened them with dire consequences. Based on the complaint given by the 2nd respondent, the present 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



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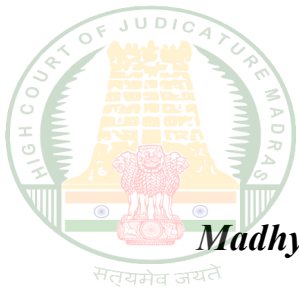
compromise arrived between the parties is a voluntary one, without any threat or coercion.

5. The petitioners and the defacto complainant are present before this Court today. The defacto complainant, who is present before this Court, submits that on the intervention of the elders, they have amicably resolved their issue and now, she is living with the 1st petitioner/husband. The 1st petitioner/husband, who is present before this Court, also submits that he sorted out the difference of opinion with the defacto complainant and he is living along with her. He further submits that he will take care of her wife and children in a proper manner. They have also filed a joint compromise memo dated 27.06.2025 and 18.07.2025 to that effect.

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.

8. The Hon'ble Supreme Court, in ***Dr.Aravind Barsaul etc., v. State of***



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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 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 is now living with the 1st petitioner/1st husband and therefore, she does not want to prosecute the case 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.



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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, both the Criminal Original Petitions are allowed and the proceedings in C.C.No.40 of 2024 on the file of the Additional Mahila Court, Srivilliputhur, Virudhunagar District, is hereby quashed. The joint compromise memo dated 27.06.2025 and 18.07.2025, signed by the parties, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

25.07.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

1. The Additional Mahila Court,
Srivilliputhur,
Virudhunagar District.



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2. The Inspector of Police,
AWPS – Rajapalayam Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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