



CrI.O.P.(MD)No.12167 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.12167 of 2025

1. Praveen Kumar

2. Periyakaruppan

3. Kalarani

4. Santha

5. Arulmozhi

... Petitioners/Accused Nos.1 to 5

Vs

1. The State of Tamilnadu Rep.,
By, the Inspector of Police,
All Women Police Station,
Thiruparankundram,
Madurai City (Crime No.4 of 2024).

...1st Respondent/Complainant

2. Priyadharshini

...2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in C.C.No.2399 of 2024 on the file of the learned Judicial Magistrate VI, Madurai and Quash the same.



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Crl.O.P.(MD)No.12167 of 2025

For Petitioner : Mr.Poornachandran.S

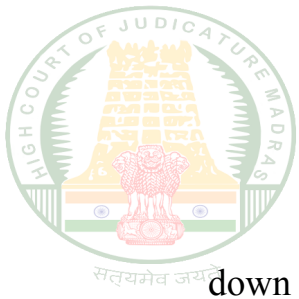
For R1 : Mr.Abul Kalam Azad.A.S.
Government Advocate (Crl. Side)

For R2 : Mr.S.Vijayakumar

ORDER

The petitioners are accused in C.C.No.2399 of 2024 pending on the file of the learned Judicial Magistrate VI, Madurai and they are facing the charges for the offence under Sections 498(A), 406 and 506(i) 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), 406 and 506(i) IPC, out 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



CrI.O.P.(MD)No.12167 of 2025

WEB COPY

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 / defacto complainant are husband and wife. After some years of marriage, the first petitioner was absconding for four months and thereafter returned back to his house, at that time also, he refused to live with the second respondent. Later, the second respondent came to know that the first petitioner illegally married one Jhansi with help of petitioner Nos.4 and 5. 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.



CrI.O.P.(MD)No.12167 of 2025

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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 18.07.2025. Further the defacto complainant stated that she wrongly mis-understood her husband, thereby she lodged the above complaint and after realizing her mistakes, she joined and living with her husband.

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:-

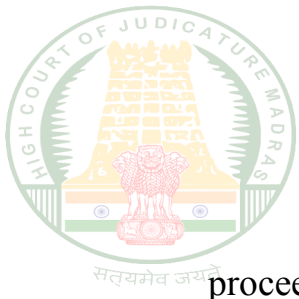


CrI.O.P.(MD)No.12167 of 2025

WEB COPY

“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 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



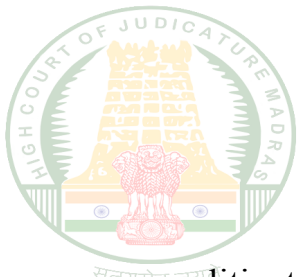
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proceedings pending will only swell the mental agony of the parties.

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. Further, this Court was inclined to impose costs of Rs.5,000/- on the defacto complainant, payable to the first respondent Police Station, for having wasted the valuable time of the officials on account of her personal motive.

12. However, considering the request made by the learned counsel for the petitioners, this Court refrains from imposing such costs on the defacto complainant. At the same time, it is necessary to observe that persons like the defacto complainant must realise that the legislation is intended to protect genuine victims and not to be misused as a weapon to harass the in-laws. If the defacto complainant had any personal grievance against her husband, she ought to have confined her complaint to him alone, without unnecessarily implicating her in-laws and making them suffer through



Crl.O.P.(MD)No.12167 of 2025

litigation.
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13. Accordingly, this Original Petition is allowed and the proceedings in CC.No.2399 of 2024 on the file of the learned Judicial Magistrate VI, Madurai is hereby quashed. The joint compromise memo dated 18.07.2025 signed by the parties, shall form part and parcel of this order.

01.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes

Indu

To

1. The State of Tamilnadu Rep.,
By, the Inspector of Police,
All Women Police Station,
Thiruparankundram,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.12167 of 2025

B.PUGALENDHI, J.

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