



Crl.O.P.(MD)No.12152 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD) No.12152 of 2025

1.Praveen
2.Ramya
3.Pradeep
4.Vijay

... Petitioners

Vs

1.State Represented by
The Inspector of Police,
All Women Police Station,
Madurai District,
Crime No.33 of 2024

2.Aarthi

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in connection with CC No.436 of 2025, on the file of the learned Judicial Magistrate, Melur, dated 14.05.2025 and quash the same insofar as the petitioners are concerned.

For Petitioner
For R1

: Mr.C.Bharathi
: Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)

For R2

: Mr.S.Viljoen Ajit



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ORDER

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The petitioners are accused in CC No.436 of 2025 registered for the offence under Sections 85, 296, 351(2) of BNS, 2023 and Section 4 of Dowry Prohibition Act, 1961. 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 85, 296, 351(2) of BNS, 2023 and Section 4 of Dowry Prohibition Act, 1961, of which, the offence under Sections 85, 296 of BNS, 2023 and Section 4 of Dowry Prohibition Act, 1961 are not compoundable. However, the Hon'ble Supreme Court, in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Guj Rath* [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 528 of BNSS, 2023 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



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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 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. 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 the marriage between the first petitioner and the defacto complainant was dissolved by order of the Sub



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Court, Melur in HMOP No.87 of 2025. The defacto complainant states

that she has received a sum of Rs.9,00,000/- as permanent alimony from the first petitioner and therefore, she is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo dated, 14.07.2025.

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 proceedings registered for the offence u/s.498A IPC on the ground of compromise, has held as follows:-



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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 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.



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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.436 of 2025, on the file of the learned Judicial Magistrate, Melur is hereby quashed. The joint compromise memo dated, 14.07.2025, signed by the parties, shall form part and parcel of this order.

08.08.2025

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



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



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B.PUGALENDHI,J

vrn

Order made in
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