



Crl.O.P.(MD)No.12414 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.12414 of 2025

1. Ashik
2. Abdul Azeez
3. Syed Sirajudeen
4. Nujeema Banu

... Petitioners

versus

1. The State of Tamil Nadu, rep. by
The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.

2. Rameshya @ Ramisha

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the Charge Sheet in C.C.No.13 of 2020 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari and thereby, quash the same.

For Petitioners	: Mr.M.Mohamed Riyaz
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl. Side)
For R2	: Mr.A.Dennis Joe



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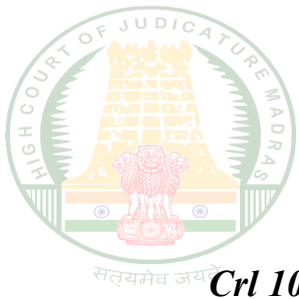
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ORDER

The petitioners are accused Nos.1, 2, 4 and 5 in C.C.No.13 of 2020 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District. They are facing the charges for the offence under Sections 294(b), 498A, 406, 506(ii) IPC and Sections 4 and 6 of Dowry Prohibition Act.

2. Totally, there are five accused in this case. The 1st accused/1st petitioner is the husband of the defacto complainant/2nd respondent. The accused Nos.2 to 5 are in-laws of the defacto complainant. Pending trial, the 3rd accused/mother-in-law died. Now, the petitioners/accused Nos.1, 2, 4 and 5 have moved this petition on the ground that the issue has been amicably settled among themselves.

3. The final report has been filed for the offence under Sections 294(b), 498A, 406, 506(ii) IPC and Sections 4 and 6 of Dowry Prohibition Act, 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 Gujraath*** [2017 9 SCC 641] and in ***The State of Madhya Pradesh Vs. Dhruv Gurjar and Another*** [(2019) 2 MLJ



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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.

4. Here, the prosecution case is that the marriage between the 1st petitioner and the defacto complainant was solemnized on 14.09.2014. At the time of marriage, the parents of the defacto complainant gave 110 sovereigns of gold jewels and Rs.5 lakh in cash and one Innova Car. Further, seven sovereigns of gold jewels were gifted to the accused No.4. Apart from that, other household articles and sreedhana articles were also gifted by the parents of the defacto complainant. Thereafter, at the instigation of A2 and A5, the 1st accused started demanding a sum of Rs.25 lakhs cash as additional dowry and also physically assaulted her. On 20.10.2014, the 1st accused had asked the defacto complainant/2nd respondent to give her jewels for depositing the same in the lockers, at that



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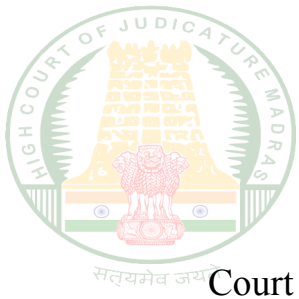
time, except 35 sovereigns of gold, all other jewels were taken away by the 1st accused. It is further alleged that A3 and A5 also assaulted the defacto complainant on 01.02.2015 and thereby, drove her out from the matrimonial home. With the above allegation, a case has been registered as against the petitioners in Crime No.22 of 2019.

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 investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

6. This Court has verified the parties with their Aadhar Cards and also verified as to the present status.

7. The petitioners and the defacto complainant are present before this



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Court today. The defacto complainant, who is present before this Court, submits that they have arrived at a compromise and therefore, she is not inclined to prosecute the case.

8. As per the compromise memo dated 16.07.2025, the 1st petitioner agreed to pay a sum of Rs.15,00,000/- to the 2nd respondent and to pay a sum of Rs.10,00,000/- to his son Mohamed Fawaz. Accordingly, the learned counsel for the petitioners has handed over three demand drafts for a sum of Rs.5,00,000/- each in the name of the defacto complainant and another demand draft for a sum of Rs.10,00,000/- in the name of the minor son Mohamed Fawaz and the same have been received by the defacto complainant. A copy of the demand drafts have also been placed before this Court.

9. 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



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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.”

10. The Hon'ble Supreme Court in ***Bitan Sengupta vs. The State of West Bengal***, reported in ***AIR ONLINE 2018 SC 591***, while entertaining an appeal arising from the refusal to quash the proceedings registered for the offence under Sections 498A, 406, 506 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961, on the ground of compromise, has held as follows:-

“7. As per the appellants, the parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace and love. The compromise records that respondent No.2 have no grievances whatsoever against the appellants and want both the appellants to get acquitted from the cases. Further, both the parties have undertaken not to indulge in any litigation against each other



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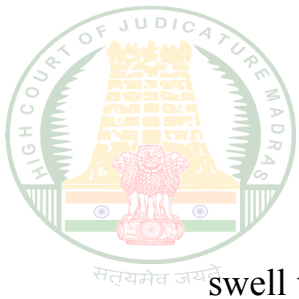
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and withdraw all the complaints pending between them before the Court.

8. In the aforesaid circumstances and going by the spirit of the law laid down by this Court in the case of ***B.S.Joshi & Ors. vs. State of Haryana & Anr.***, we are of the opinion that the High Court should have accepted the settlement and compounded the offences. It is, more so, when the settlement between the parties, who were husband and wife, was even acted upon as the parties took mutual divorce on that basis.

9. We, accordingly, allow this appeal and set aside the order of conviction passed against the appellants.”

11. 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 since they have arrived at a compromise, she is not inclined to prosecute the case. 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



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swell the mental agony of the parties.

12. 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, however, with cost of Rs.10,000/- payable by the defacto complainant to the respondent Police Station.

13. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.13 of 2020 on the file of the Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari, is hereby quashed. The joint compromise memo dated 16.07.2025, signed by the parties, shall form part and parcel of this order. The defacto complainant shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of the Inspector of Police, All Women Police Station, Nagercoil, Kanyakumari District.

25.07.2025

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

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(Magisterial Level),
Nagercoil,
Kanyakumari.
2. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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