



Crl.O.P.(MD)No.15794 of 2024

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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.15794 of 2024
and
Crl.M.P.(MD)Nos.9962 and 9964 of 2024

1. Rajasekar
2. Maheshwari
3. Chakaravarthy

... Petitioners

versus

1. State rep. by
The Sub Inspector of Police,
AWPS Thilagarthidal,
Madurai City,
Madurai.

2. M.Rajamano

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned charge sheet in C.C.No.2099 of 2023 dated 22.11.2023 on the file of the Additional Mahila Court, Madurai and quash the same as illegal.

For Petitioners	: Mr.R.Chandrasekar
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate (Crl. Side)
For R2	: Mr.G.Rajan



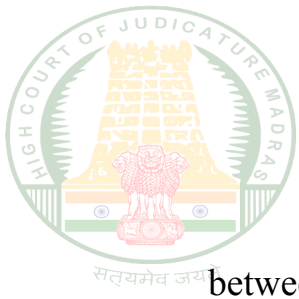
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ORDER

The petitioners are accused in CC.No.2099 of 2023 pending on the file of the Additional Mahila Court, Madurai and they are facing the charges for the offence under Sections 498(A), 406 and 506(1) 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 Sections 498(A), 406 and 506(1) IPC, of which, the offence under Section 498(A) IPC is a 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



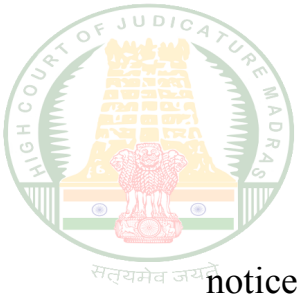
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between the parties, cannot be quashed by this Court.

3. Here, the prosecution case is that the 1st petitioner is the husband of the defacto complainant/second respondent. The petitioners 2 and 3 are in-laws of the defacto complainant. The marriage between the 1st petitioner and the 2nd respondent was solemnized on 25.01.2021. After the marriage, they lived at the matrimonial house along with the 1st petitioner's family. While so, the 1st petitioner harassed her by demanding dowry. Therefore, she left the matrimonial house. On 24.08.2022, the 1st petitioner made a phone call to her and asked her to come his house and accordingly, the 2nd respondent came to her matrimonial house, at that time, the 1st petitioner insisted her to take her clothes and jewels and go with her father. When the 2nd respondent opened the Bureau, she found that only 10 sovereigns of gold jewels were available and the remaining 15 sovereigns of gold were found missing. On enquiry, the 1st petitioner replied that he is going to marry some other girl, for which, he needs divorce. He has insisted her to sign in the divorce documents and also threatened her. Hence, the case.

4. Since the conflict is between the private individuals and not affecting the Society at large, this Court entertained this petition, ordered



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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 on the intervention of the elders, they have amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 21.07.2025.

6. The defacto complainant, who is present before this Court, submits that there is no possibility of reunion and therefore, she does not want to prosecute the case further. She further submits that she has agreed for divorce on mutual consent and she has also received a sum of Rs.3,50,000/- from the 1st petitioner for the maintenance.

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

8. This Court has verified the parties with their Aadhaar Cards and



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also verified as to the present status. The parties have expressed their willingness to solve the issue.

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 certain offence involved is non compoundable in nature. 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 offence is non-compoundable, in order to avoid further conflict between the parties.



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11. Accordingly, this original petition is allowed and the proceedings in C.C.No.2099 of 2023 dated 22.11.2023 on the file of the Additional Mahila Court, Madurai, is hereby quashed. The joint compromise memo dated 21.07.2025 signed by the parties, shall form part and parcel of this order. Consequently connected miscellaneous petitions are closed.

25.07.2025

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

1. The Additional Mahila Court,
Madurai.
2. The Sub Inspector of Police,
AWPS Thilagarthidal,
Madurai City,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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