

Crl.O.P.(MD)No.21908 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 21.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.21908 of 2024 and
Crl.MP(MD) No.13590 of 2024

1. Shamsar Ali @ Mohamed Samja
2. Byroja
3. Jenofer ... Petitioners

Vs

1.The State of Tamilnadu,
Rep. by the Sub Inspector of Police,
Thirupparankundram AWPS,
Madurai City.
Crime No. 11/2020.

2.Nasrin Banu ...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS,
to call for the records of impugned Charge Sheet in C.C.No. 1806/2023
on the file of the Learned Additional Mahila Court (JM Level),
Madurai and quash the same as illegal.

For Petitioner	: Mr.SMA.Jinnah
For R1	: Mr.A.S.Abul Kalaam Azad Government Advocate(Crl.side)
For R2	: Mr.G.Sujeeth



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ORDER

The petitioners are accused in CC.No.1806 of 2023, on the file of the Additional Mahila Court (JM Level), Madurai, for the offence under Sections 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act. They have moved this petition to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with the defacto complainant.

2. The case has been registered for the offence under Sections 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act and some of the offences are not 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 528 of BNSS, 2023 to quash non-compoundable offences. One very important test that has been laid down is that the Court must



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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 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



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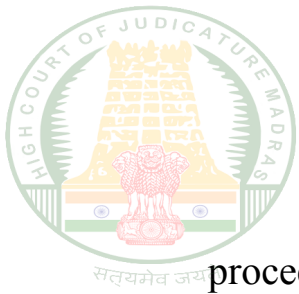
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before this Court today and submitted due to some misunderstanding between the defacto complainant and her husband, a complaint has been lodged, now on the intervention of the elders of their family and Jamath members, they have resolved the issue amicably and considering the future of their children, the defacto complainant is not inclined to prosecute the case further. To that effect, they have also filed a joint compromise memo dated, 31.01.2025.

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



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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 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,



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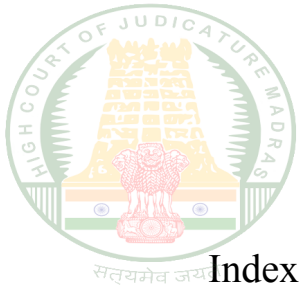
no useful purpose will be served in keeping the case pending, even though some of the offences involved are not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.

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 Criminal Original Petition is allowed and the proceedings in C.C.No.1806 of 2023, on the file of the Additional Mahila Court (JM Level), Madurai is hereby quashed. The joint compromise memo dated, 31.01.2025 signed by the parties, shall form part and parcel of this order. Consequently, connected Miscellaneous petition is closed.

21.07.2025

NCC : Yes/No



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Index : Yes/No

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To

- 1.The Sub Inspector of Police,
Thirupparankundram AWPS,
Madurai City.
- 2.The Additional Mahila Court (JM Level), Madurai.



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B.PUGALENDHI,J

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