

Crl.O.P.(MD)No.3438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.08.2025

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL.OP.(MD)No.3438 of 2024

1.Michael Dalvi Dason @ Michael Dalvi

2.Panner Kavi

3.Pandidas Anbazagan @ Anbazagan

... Petitioners

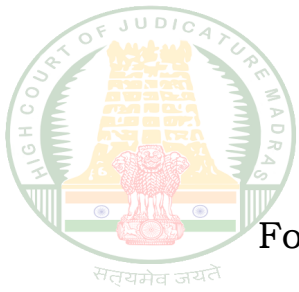
Vs

1.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.324 of 2014)

2.Kavash Richard

... Respondents

PRAYER:- The Criminal Original Petition filed under Section 528 BNSS, praying to call for the records in connection with the impugned charge sheet in PRC.No.43 of 2020 on the file of the learned Judicial Magistrate, Vallioor and quash the same insofar as the petitioners are concerned.



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For Petitioners:

Mr.A.S.Vaigunth

For R1:

Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)

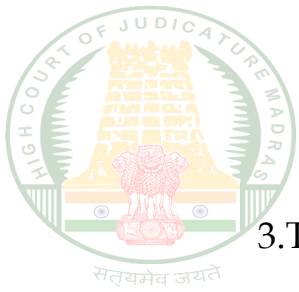
For R2:

Mr.S.P.Naveen Kumar

ORDER

The petitioners are accused in PRC.No.43 of 2020 for the offence under Sections 454, 294(6), 307, 506(ii) IPC and Section 3 of TNPPDL Act on the file of the Judicial Magistrate, Vallioor. 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 prosecution case is that the petitioners and the defacto complainant are close relatives and there was previous enmity between them. Due to which, the accused persons abused the defacto complainant in filthy language and also assaulted the defacto complainant and his father with deadly weapon and they have also damaged the two wheeler of the defacto complainant's brother.



3.The case has been registered for the offence under Sections 454, 294(6), 307, 506(ii) IPC and Section 3 of TNPPDL Act , of which, the offence under Section 307 IPC is a heinous one. Generally, the Courts should not exercise its inherent jurisdiction in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., as such offences are not private in nature and have a serious impact on society. However, the Hon'ble Supreme Court in *Narinder Singh v. State of Punjab* [(2014) 6 SCC 466] entertained an appeal arising from the refusal to quash the proceedings registered for the offence u/s.307 IPC on the ground of compromise. While affirming that offences of a serious nature generally should not be quashed on the basis of compromise, the Hon'ble Supreme Court has also carved out exceptions where the facts do not disclose extreme brutality or grave injury and where settlement would better serve the ends of justice. The Hon'ble Supreme Court has emphasized a fact-specific approach in such matters.

4.This Court feels that the following observation of the Hon'ble Supreme Court in *Narinder Singh*'s case (supra) is highly relevant:-

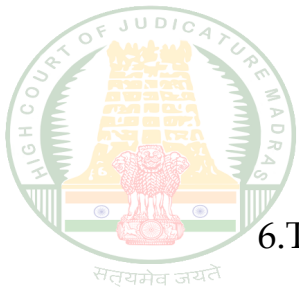
"29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore is to be generally treated as



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crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the later case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship."

5. Therefore, 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.



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6.The learned Government Advocate(Crl.side) appearing for the first respondent Police submits that one of the injured person died and one of the accused, namely Ravi, also died.

7.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 03.06.2024.

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

9.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. The defacto complainant submits that all the accused are his close relatives and therefore, he is not inclined to prosecute the case further.

10.Though the case was registered for the offence under Section 307 IPC, which would fall in the category of heinous and serious offence and to



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be treated as a crime against the Society, the Court should not rest its decision solely because there is a mention of Section 307 IPC. The Court has to go by the nature of injury sustained, where the injury is inflicted, whether in any vital parts of the body, nature of weapons used, medical report etc.

11.Going by the nature of injury sustained by the defacto complainant and the medical report, coupled with the compromise arrived between the parties, which would result in harmony between them and improve their future relationship, this Court, following the guidelines issued by the Hon'ble Supreme Court in *Narinder Singh's* case (supra), is inclined to quash the proceedings.

12.Accordingly, this Criminal Original Petition is allowed and the proceedings in PRC.No.43 of 2020 pending on the file of the learned Judicial Magistrate, Vallioor is hereby quashed. The joint compromise memo, dated 03.06.2024, shall form part and parcel of this order.

13.08.2025

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To

- 1.The Judicial Magistrate,
Vallioor.
- 2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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