



CrI.O.P.(MD)No.7481 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.OP(MD)No.7481 of 2025

1. Ayyanar
2. Chanthiran @ Chandran ... Petitioners
versus

1. The State of Tamilnadu, rep. by
The Inspector of Police,
Veerapandi Police Station,
Theni.

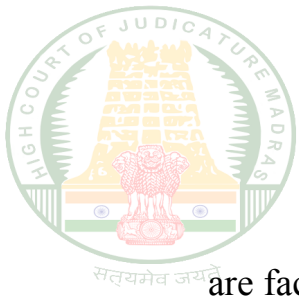
2. Seenivasakam ...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the charge sheet in C.C.No.74 of 2022 is pending before the learned Judicial Magistrate No.I, Theni and quash the same as against the petitioners.

For Petitioners : Mr.N.Dharmaraja
For R1 : Mr.A.S.Abul Kalaam Azad
Government Advocate (CrI. Side)
For R2 : Mr.L.Prabhakaran

ORDER

The petitioners are accused Nos.1 and 2 in C.C.No.74 of 2022 pending on the file of the learned Judicial Magistrate No.I, Theni and they



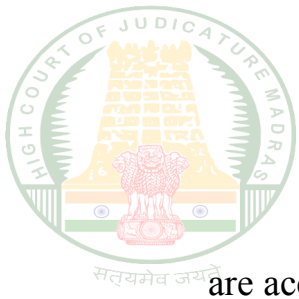
CrI.O.P.(MD)No.7481 of 2025

WEB COPY

are facing the charges for the offence under Sections 294(b), 447 and 506(2) 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 294(b), 447 and 506(2) IPC, of which, the offence under Section 294(b) 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 between the parties, cannot be quashed by this Court.

3. Totally, there are three accused in this case. The petitioners herein



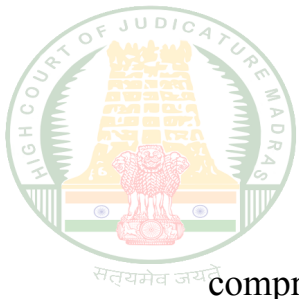
CrI.O.P.(MD)No.7481 of 2025

WEB COPY

are accused Nos.1 and 2. The 3rd accused, who is living in abroad, is having an agricultural land near the defacto complainant's agricultural land. The petitioners are relatives of the 3rd accused. The case of the prosecution is that on the instigation of the 3rd accused, the petitioners trespassed into the defacto complainant's land and stop pouring water for his agricultural land, due to which, there was a wordy quarrel between them and the petitioners abused the defacto complainant in filthy language and also threatened him and his workers. Hence, the case as against the accused persons. However, the name of the 3rd accused was removed and alteration report was filed on 03.02.2022.

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



CrI.O.P.(MD)No.7481 of 2025

compromise memo dated 24.04.2025.

WEB COPY

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. 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. Quashing the case will not affect any overriding public interest. The defacto complainant himself has submitted that he 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 the offence under Section 294(b) IPC is not compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.



CrI.O.P.(MD)No.7481 of 2025

WEB COPY

9. 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 the offence under Section 294(b) IPC is non-compoundable, in order to avoid further conflict between the parties. However, considering the nature of complaint and the efforts taken by the respondent Police in conducting the investigation and filing the final report, this Court is inclined to quash the proceedings with costs.

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.74 of 2022 is pending before the learned Judicial Magistrate No.I, Theni, is hereby quashed. The joint compromise memo dated 24.04.2025, signed by the parties, shall form part and parcel of this order. The defacto complainant and the petitioners are directed to pay a sum of Rs.5,000/- each to the respondent Police Station.

25.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
ogy



CrI.O.P.(MD)No.7481 of 2025

WEB COPY

To

1. The learned Judicial Magistrate No.I,
Theni.
2. The Inspector of Police,
Veerapandi Police Station,
Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.7481 of 2025

B.PUGALENDHI, J.

ogy

Crl.OP(MD)No.7481 of 2025

25.07.2025