



Crl.O.P.(MD)Nos.8044 & 8048 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)Nos.8044 & 8048 of 2025

Crl.OP(MD)No.8044 of 2025:-

Ajithkumar @ E.Ajith

... Petitioner

Vs

1.The State of Tamilnadu Rep.,
By the Deputy Superintendent of Police,
Vallioor, Tirunelveli District.

2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli. (Crime No. 124 of 2025).

3.Suthakar @ Sudhakar

...Respondents

Crl.OP(MD)No.8048 of 2025:-

1.Suthakar @ Sudhakar

2.Velayutham

3.Muthuvel

...Petitioners

Vs

1.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli.
Crime No.125 of 2025

2.Mallika @ Malliga



Crl.O.P.(MD)Nos.8044 & 8048 of 2025

3.Ajith @ Ajith Kumar

..Respondents

Common Prayer : Criminal Original Petitions filed under Section 528 of BNSS, to call for the records relating to the FIR in Crime Nos. 124 & 125 of 2025 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.B.Saravanan
For R1 : Mr.P.Kottai Chamy,
Government Advocate(Crl.side)
For R2 : Mr.Mani Anandh
(In Crl.OP(MD) No.8044 of 2025)

For Petitioner : Mr.Mani Anandh
For R1 : Mr.P.Kottai Chamy,
Government Advocate(Crl.side)
For R2 : Mr.B.Saravanan
(In Crl.OP(MD) No.8048 of 2025)

COMMON ORDER

The petitioners are accused in Crime Nos.124 & 125 of 2025, on the file of the first respondent, for the offence under Sections 296(b), 118(1), 351(3) of BNS, 2023 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989 and 296(b), 115(2), 351(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. There is a case and counter case and both the parties have moved these petitions to quash the above proceedings pending against them, on the ground that the issue has been amicably settled with each other.

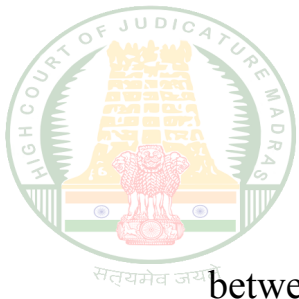


CrI.O.P.(MD)Nos.8044 & 8048 of 2025

WEB COPY

2. The case has been registered for the offence 296(b), 118(1), 351(3) of BNS, 2023 and Section 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act, 1989 and 296(b), 115(2), 351(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, out of which, 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 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. Here, the prosecution case is that there was a quarrel



Crl.O.P.(MD)Nos.8044 & 8048 of 2025

WEB COPY

between the respective parties on a trivial issue, for which, complaints have been lodged by the respective parties against each other and cases in Crime Nos. 124 & 125 of 2025 have also been registered. It is also reported that they have not received any compensation.

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 in both the Criminal original Petitions are present before this Court today and submit that the parties in both the petitions are belonging to the same village and on the intervention of the elders of the Village, they have amicably settled the issue and therefore, the defacto complainant in both the petitions are not inclined to prosecute the cases further. To that effect, they have also filed a joint compromise memos, dated 29.04.2025.



Crl.O.P.(MD)Nos.8044 & 8048 of 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 second respondent / defacto complainant. Quashing the case will not affect any overriding public interest. There is a case and counter case. The defacto complainant in both cases submitted that they do not not want to prosecute the cases any further. 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 swell the mental agony of the parties.



CrI.O.P.(MD)Nos.8044 & 8048 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 certain offences are non-compoundable, in order to avoid further conflict between the parties.

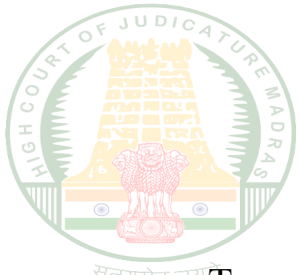
10. Accordingly, this Criminal Original Petition is allowed and the proceedings in Crime Nos.124 & 125 of 2025, on the file of the first Respondent Police is hereby quashed. The joint compromise memo 29.04.2025, signed by the parties, shall form part and parcel of this common order.

21.07.2025

NCC : Yes/No

Index : Yes/No

vrn



Crl.O.P.(MD)Nos.8044 & 8048 of 2025

To
WEB COPY

- 1.The Deputy Superintendent of Police,
Vallioor, Tirunelveli District.
- 2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli.



WEB COPY



Crl.O.P.(MD)Nos.8044 & 8048 of 2025

B.PUGALENDHI,J

vrn

Common Order made in
Crl.OP(MD)Nos.8044 & 8048 of 2025

21.07.2025