



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

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CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.8315 of 2025

1.Arun Prasad

2.Rajaram

3.Vetri Selvam

4.Sathish Kumar

... Petitioners

Vs.

1.The State of Tamil Nadu rep. by,

The Inspector of Police,

Central Police Station,

Thoothukudi.

(In Crime No.93 of 2024)

2.P.Kumara Guru

... Respondents



Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records relating to the proceedings in Crime No.93 of 2024 on the file of the first respondent for an offence under Sections 341, 294(b) and 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992, dated 07.05.2024 and quash the same as it has no prima facie case as against the petitioners.

For Petitioners : Mr.G.Radhakrishnan

For Respondents : Mr.A.S.Abul Kalaam Azad, (for R1)
Government Advocate(Crl.side)
Mr.R.Iyappan (for R2)

ORDER

The petitioners are accused in Crime No.93 of 2024 on the file of the first respondent Police which was registered for the offence under Sections 341, 294(b) and 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992. They have filed this application to quash the proceedings pending against them in Crime No. 93 of 2024 on the file of the first respondent Police, on the ground that the issue has been amicably settled among themselves.

2.The case has been registered for the offence under Sections 341, 294(b) and 506(ii) of IPC and Section 3 of TN Public Property



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(Prevention of Damage & Loss) Act, 1992, of which, the offence under Section 294(b) of IPC and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 is 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 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 the defacto complainant is working as auto driver. On 06.05.2024, at about 12.30 a.m., the petitioners in a drunken mode, way laid the defacto complainant and abused him in a filthy language and also threatened him with dire consequences.



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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 compromise memo dated 24.04.2025.

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.



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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. 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 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.

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 original petition is allowed and the proceedings in Crime No.93 of 2024 on the file of the first respondent Police, is hereby quashed. The joint compromise memo dated 24.04.2025, signed by the parties, shall form part and parcel of this



order.

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NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

- 1.The Inspector of Police,
Central Police Station,
Thoothukudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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