

Crl.O.P.(MD)No.9276 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.06.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9276 of 2025

1.Thirukumar

2.Srilakshmanakumar @ Lakshmanakumar

3.Tamilselvan

... Petitioners

Vs.

1.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
In Crime No.63 of 2025

2.Ezhilarasan

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in FIR in Crime No.63 of 2025 on the file of the first respondent Police dated 08.02.2025 and quash the same.

For Petitioners

: Mr.S.V.N.Karthick

For R1

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)

For R2

: Mr.A.Balaji



ORDER

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The petitioners are accused Nos.1 to 3 in Cr.No.63 of 2025 registered for the offence under Sections 296(b), 115(2) and 351(2) BNS on the file of the first respondent Police. 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 case has been registered for the offence under Sections 296(b), 115(2) and 351(2) BNS, in which, the offence under Section 296(b) BNS is not compoundable. However, the Hon'ble Supreme Court, in *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujraath* [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(528 BNSS), 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

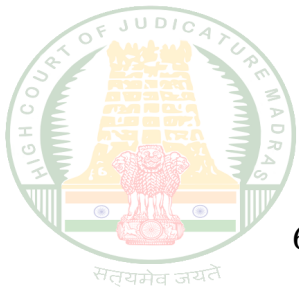


offences against the society with overriding public interest even if it gets settled between the parties, cannot be quashed by this Court.

3.Here, the prosecution case is that on 08.02.2025, when the defacto complainant and his friends were standing near a coffee shop, the accused persons questioned him for teasing the first petitioner and abused him in filthy language and also assaulted him.

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 03.06.2025.

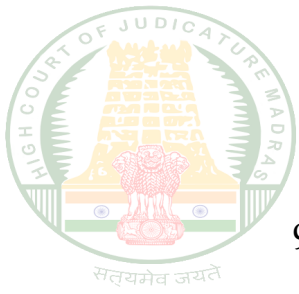


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6.The investigation officer, after verification, has filed a report that the compromise arrived upon between the parties is genuine, without any threat or coercion.

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 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.



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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 FIR in Crime No.63 of 2025 on the file of the first respondent Police is hereby quashed. The joint compromise memo dated 03.06.2025, signed by the parties, shall form part and parcel of this order.

10.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
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To

1. The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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