



CrI.O.P.(MD)No.9322 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.06.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.9322 of 2025

and

CrI.M.P.(MD)No.6785 of 2025

1. Karthick @ Karthik
2. Kaviventhan
3. Karupaiya
4. Suriyakumar

... Petitioners

versus

1. State of Tamilnadu, Rep. by
The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.

2. Ragunathan

3. Karupasamy

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records in Crime No.50 of 2023 on the file of the Inspector of Police, Kanakiliyanallur Police Station, Trichy District and quash the same as against the petitioners/accused Nos.1 to 4 as illegal.

For Petitioners : M/s.S.B.Kayvin Prince

For R1 : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

For R2 : Mr.S.Sundara Moorthy



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ORDER

The petitioners are accused in Crime No.50 of 2023 registered for the offence under Sections 294(b), 323, 324 and 506(ii) IPC on the file of respondent Police. They have filed this petition 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 294(b), 323, 324 and 506(ii) IPC, of which, the offences under Sections 294(b) and 324 IPC 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.

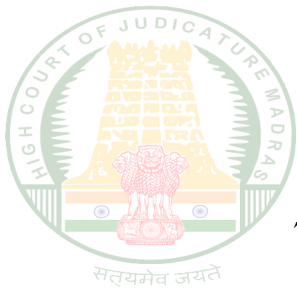


WEB COPY 3. Here, the prosecution case is that the petitioners abused the defacto complainant and his brother in filthy language and attacked them with a wooden log and caused injuries.

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 and his brother 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 11.05.2025.

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.

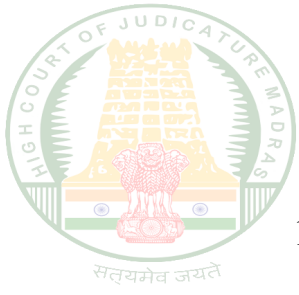


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7. This Court has verified the parties with their Aadhar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.

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. 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 offences under Sections 294(b) and 324 IPC 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 the offences under Sections 294(b) and 324 IPC are not compoundable, in order to avoid further conflict between the parties.



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10. Accordingly, this Criminal Original Petition is allowed and the proceedings in the FIR in Crime No.50 of 2023 on the file of the 1st respondent is hereby quashed. The joint compromise memo dated 11.05.2025, signed by the parties, shall form part and parcel of this order. Consequently, connected miscellaneous petition is closed.

20.06.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

1. The Inspector of Police,
Kanakiliyanallur Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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