



Crl.O.P.(MD)No.9616 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

Crl.O.P.(MD)No.9616 of 2025

Ganesan

... Petitioner

versus

1. The State of Tamil Nadu, rep. by
Deputy Superintendent of Police,
Sivagiri,
Tenkasi District.

2. The State of Tamil Nadu, rep. by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

3. Kaniyammal

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for records in the case in S.C.No.203 of 2025 on the file of the Principal District Court, Tenkasi, Tenkasi District and quash the same as illegal, violation of law as against the petitioner/accused.

For Petitioner : Mr.M.Jothi Basu

For R1 and F2 : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)

For R3 : M/s.D.Thilaga Rani



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ORDER

The petitioner is the sole accused in S.C.No.203 of 2025 on the file of the Principal District Court, Tenkasi, Tenkasi District and he is facing the charges for the offence under Sections 294(b), 323, 355 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989. He has filed this application to quash the proceedings pending against him, on the ground that the issue has been amicably settled among themselves.

2.The final report has been filed for the offence under Sections 294(b), 323, 355 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 of which, the offences under Section 294(b) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, Sections 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989 are 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] and ***Ramawatar Vs State of Madhya Pradesh***, reported in ***LL 2021 SC 589*** 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

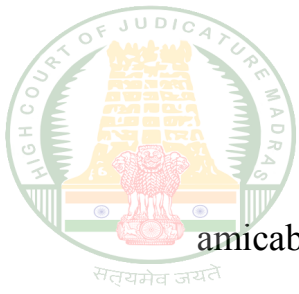


quash non-compoundable offences. One very important test that has been laid down is that the Court must necessarily examine whether the crime in question is purely individual in nature or a crime against the society with overriding public interest. It has been repeatedly cautioned that offences against 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 on 31.08.2022 at about 6.30 hrs., the defacto complainant took her grandson to attend a natural call near the petitioner's godown. At that time, the petitioner harassed the defacto complainant and attacked her with hands and scolded by using caste name and abusive words.

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 petitioner and the defacto complainant are present before this Court today and submitted that on the intervention of the elders, they have



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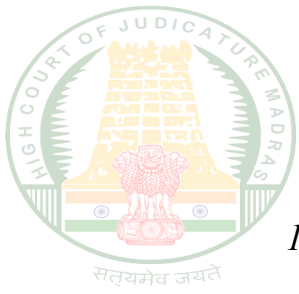
amicably resolved their issue. To that effect, they have also filed a joint compromise memo dated 17.05.2025. The defacto complainant further submits that she is prepared to return the compensation amount, which has been received by her.

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 Aadhaar Cards and also verified as to the present status. The parties have expressed their willingness to solve the issue.

8. In the case of ***Ramawatar Vs State of Madhya Pradesh***, reported in ***LL 2021 SC 589***, the Hon'ble Supreme Court has discussed the powers of the courts to quash the proceedings under the SC/ST (POA) Act when the compromise is arrived at between the parties under certain circumstances as follows:

'19.Having considered the peculiar facts and circumstances of the present case in light of the afore stated principles, as well as having meditated on the application for compromise, we are inclined to invoke the powers under Article



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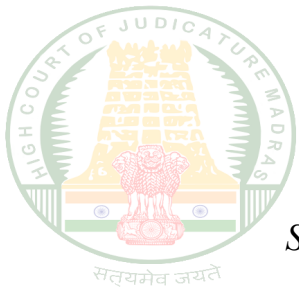
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142 and quash the instant Criminal proceedings with the sole objective of doing complete justice between the parties before us.

We say so for the reasons that:

Firstly, the very purpose behind Section 3(1)(x) of the SC/ST is to deter caste based insults and intimidations when they are used with the intention of demeaning a victim on account of he/she belonging to the Scheduled Caste/ Scheduled Tribe community. In the present case, the record manifests that there was an undeniable pre-existing civil dispute between the parties. The case of the Appellant, from the very beginning, has been that the alleged abuses were uttered solely on account of frustration and anger over the pending dispute. Thus, the genesis of the deprecated incident was the afore-stated civil/property dispute. Considering this aspect, we are of the opinion that it would not be incorrect to categorise the occurrence as one being overarchingly private in nature, having only subtle undertones of criminality, even though the provisions of a special statute have been attracted in the present case.

Secondly, the offence in question, for which the Appellant has been convicted, does not appear to exhibit his mental depravity. The aim of the SC/ST Act is to protect members of the downtrodden classes from atrocious acts of the upper strata of the society. It appears to us that although the Appellant may not belong to the same caste as the Complainant, he too belongs to the relatively weaker/backward section of the society and is certainly not in any better economic or social position when compared to the victim. Despite the rampant prevalence of segregation in Indian villages whereby members of the



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Scheduled Caste and Scheduled Tribe community are forced to restrict their quarters only to certain areas, it is seen that in the present case, the Appellant and the Complainant lived in adjoining houses. Therefore, keeping in mind the socio-economic status of the Appellant, we are of the opinion that the overriding objective of the SC/ST Act would not be overwhelmed if the present proceedings are quashed.

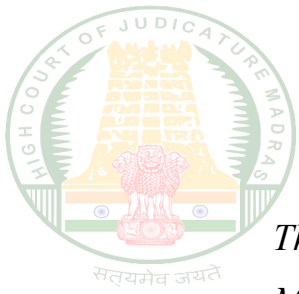
Thirdly, the incident occurred way back in the year 1994. Nothing on record indicates that either before or after the purported compromise, any untoward incident had transpired between the parties. The State Counsel has also not brought to our attention any other occurrence that would lead us to believe that the Appellant is either a repeat offender or is unremorseful about what transpired.

Fourthly, the Complainant has, on her own free will, without any compulsion, entered into a compromise and wishes to drop the present criminal proceedings against the accused.

Fifthly, given the nature of the offence, it is immaterial that the trial against the Appellant had been concluded.

Sixthly, the Appellant and the Complainant parties are residents of the same village and live in very close proximity to each other. We have no reason to doubt that the parties themselves have voluntarily settled their differences. Therefore, in order to avoid the revival of healed wounds, and to advance peace and harmony, it will be prudent to effectuate the present settlement.'

“10. We have heard learned counsel for the parties at length.



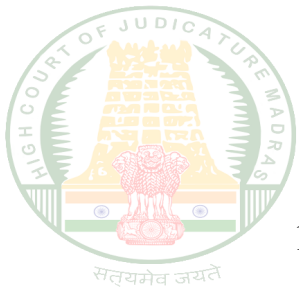
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The parties have compromised and the complainant Smt.Sadhna Madhnawat categorically submitted that she does not want to prosecute the appellants. Even otherwise also, in the peculiar facts and circumstances of the case and in the interest of justice, in our opinion, continuation of criminal proceedings would be an abuse of the process of law. We, in exercise of our power under Article 142 of the Constitution, deem it proper to quash the criminal proceedings pending against the appellants emanating from the FIR lodged under Section 498-A IPC. The appeal is accordingly disposed of.”

9. 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 and their respective families only. Quashing the case will not affect any overriding public interest. The defacto complainant herself has submitted that she 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 certain offences involved are non compoundable in nature. On the other hand, keeping the proceedings pending will only swell the mental agony of the parties.



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10. 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.

11. Accordingly, this original petition is allowed and the proceedings in S.C.No.203 of 2025 on the file of the Principal District Court, Tenkasi, Tenkasi District, is hereby quashed. The joint compromise memo dated 17.05.2025 signed by the parties, shall form part and parcel of this order. The defacto complainant is directed to repay the compensation amount within a period of four weeks from the date of receipt of a copy of this order.

20.06.2025

NCC : Yes/No

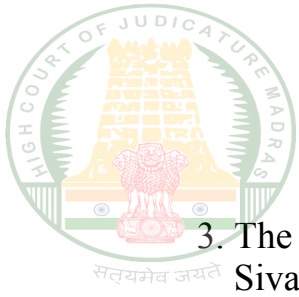
Index : Yes/No

Internet: Yes

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To

1. The Principal District Court,
Tenkasi.
2. The Deputy Superintendent of Police,
Sivagiri,
Tenkasi District.



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3. The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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