



CrI.O.P.(MD)No.9621 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.06.2025

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**CrI.O.P.(MD)No.9621 of 2025**

1. Seenidurai  
2. Santhi @ Mickel ... Petitioners

versus

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

2. Ganesan ... Respondents

**Prayer :** Criminal Original Petition filed under Section 528 BNSS, to call for records in the case in S.T.C.No.26 of 2025 on the file of the Additional District Munsif cum Judicial Magistrate Court, Sivagiri, Tenkasi District and quash the same as illegal, violation of law as against the petitioners/accused Nos.1 and 2.

For Petitioners : M/s.D.Thilaga Rani

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

For R2 : Mr.M.Jothi Basu

**ORDER**

The petitioners are accused Nos.1 and 2 in S.T.C.No.26 of 2025 pending on the file of the Additional District Munsif cum Judicial Magistrate



Court, Sivagiri, Tenkasi District and they are facing the charges for the offence under Sections 294(b), 506(1) and 352 IPC. 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 final report has been filed for the offence under Sections 294(b), 506(1) and 352 IPC of which, the offence under Section 294(b) IPC is non compoundable. However, the Hon'ble Supreme Court, in ***Parbathbhai Aahir @ Parbathbhai Vs. State of Gujra***th [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 on 31.08.2022, at about 6.30 hrs., the mother of the 2<sup>nd</sup> petitioner have taken her grandson to attend a natural



Crl.O.P.(MD)No.9621 of 2025

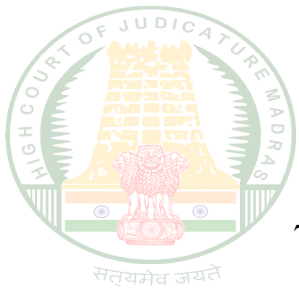
WEB COPY

call near the defacto complainant's godown and when the same was questioned by the defacto complainant, there was a wordy quarrel between the parties, due to which, the petitioners attacked him with a stick, scolded by using abusive words and also threatened him with dire consequences.

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 17.05.2025.

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.

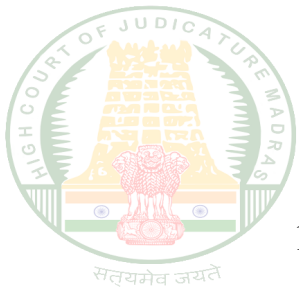


WEB COPY

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 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 2<sup>nd</sup> respondent / defacto complainant and their respective families only. 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 offence under Section 294(b) IPC is non 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 offence under Section 294(b) IPC is non-compoundable, in order to avoid further conflict between the parties.



Crl.O.P.(MD)No.9621 of 2025

10. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.T.C.No.26 of 2025 on the file of the Additional District Munsif cum Judicial Magistrate Court, Sivagiri, 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.

**20.06.2025**

NCC : Yes/No

Index : Yes/No

Internet:Yes

ogy

To

1. The Additional District Munsif cum  
Judicial Magistrate Court,  
Sivagiri, Tenkasi District.
2. The Inspector of Police,  
Sivagiri Police Station,  
Tenkasi District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



Crl.O.P.(MD)No.9621 of 2025

**B.PUGALENDHI,J**

ogy

**Crl.O.P.(MD)No.9621 of 2025**

**20.06.2025**